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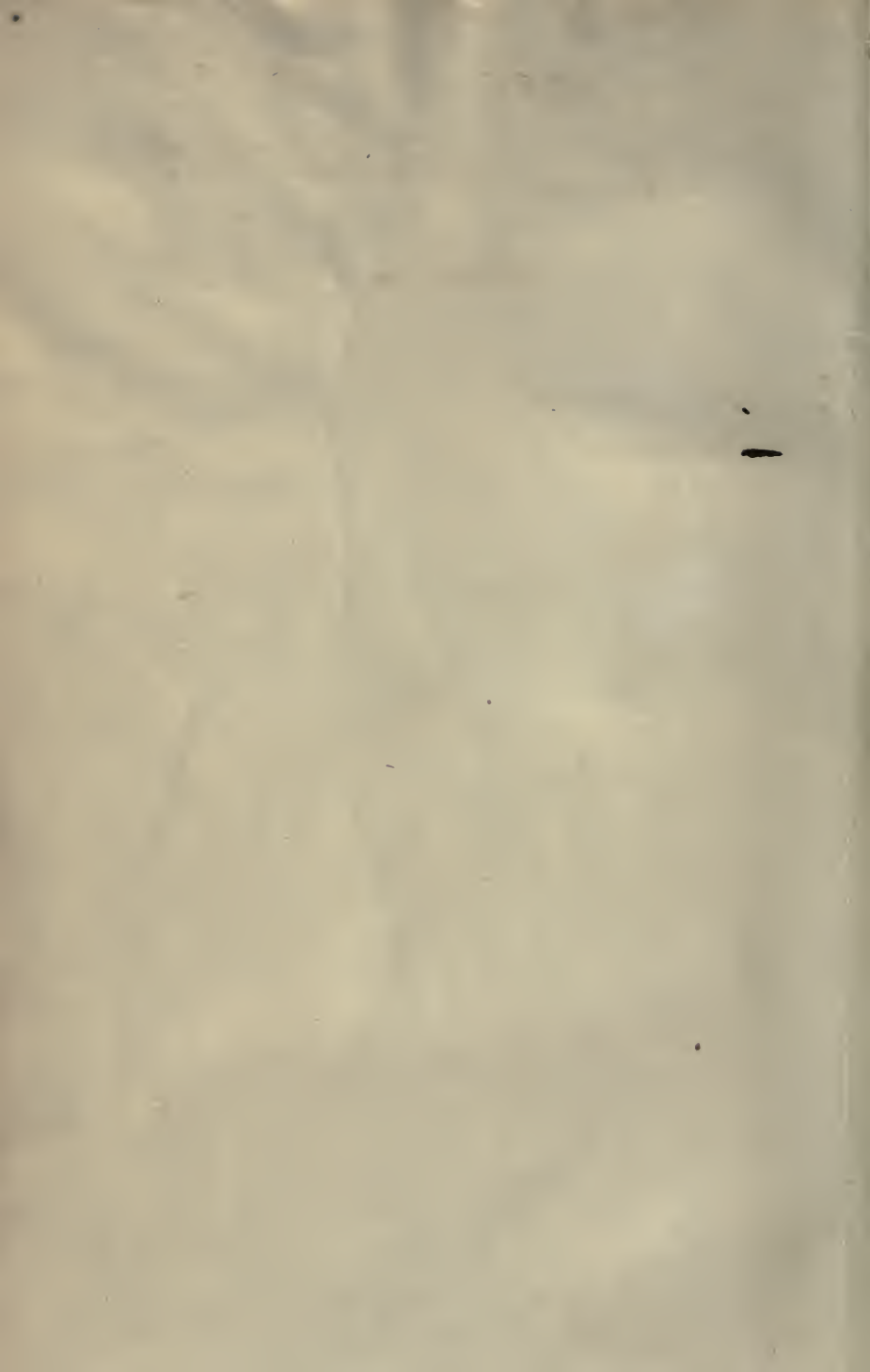


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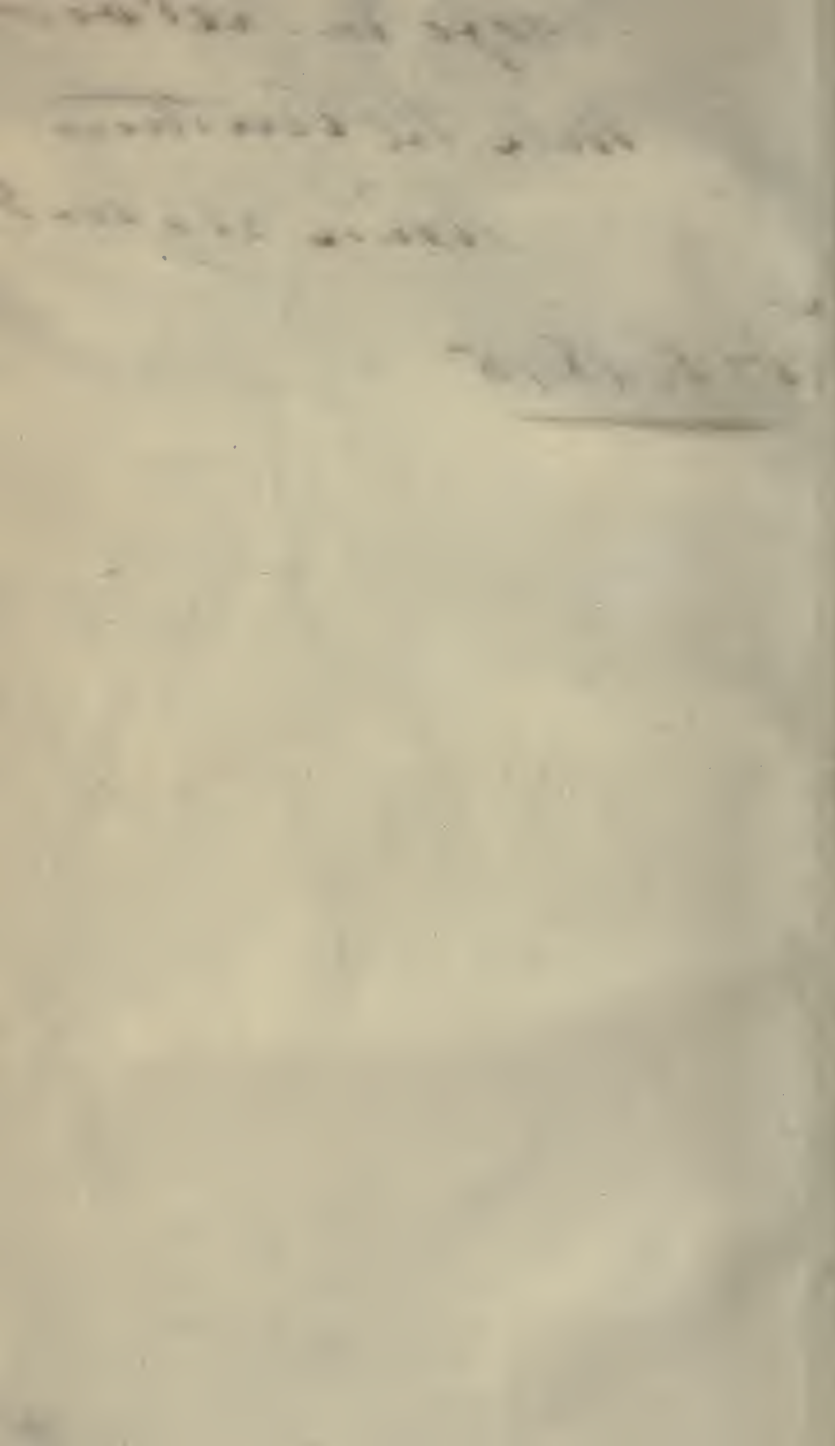






Professor Lieber
With the Authors
Kind regards

Feb. 1. 1845



Part First.

The Fallacies of The Times.

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[Joseph Adshhead.]

PRISON DISCIPLINE.

THE FALLACIES

OF

The Times.

At the present period there appears to be an increasingly pervading feeling in the public mind with regard to the proper treatment of criminals ; that interest has been greatly enhanced of late from the prominence given to the subject of criminal jurisprudence by the public press. We hail public discussion upon any question as a favourable sign ; for, by discussion, ignorance is dispelled, and truth is elicited.

Amongst the foremost of the public journals that have appeared to take a decided lead upon the question of Prison Discipline, we may mention the *London Times*. We are ready to concede, to the fullest extent, the vast power and mighty preponderance of that periodical in influencing and controlling public opinion ; hence, its importance as a medium of communication, and the means of diffusing influences fertile with results that may be beneficial to mankind, or most pregnant with evil. Through such channels,

which are daily commentaries, it is, that impressions are imperceptibly imbibed, which more or less become fixed principles of action. May we not then infer, that when information is thus received upon questions of great national utility, involving,—deeply involving,—the moral interests of the social compact, it is of the highest importance that the opinions so admitted should be from authority on which the most positive reliance may be placed; that sentiments derived from such sources, should leave a thorough conviction on the mind, that there may be the utmost dependence upon the knowledge thus acquired?

We are led to make these few prefatory remarks in reference to a subject in which the *Times* have professed to feel more than an ordinary interest: it is not too much to say, that they have taken “a decided lead” upon the question of Prison Discipline, and their readers cannot fail to have been imbued with strong prejudices in relation to the mode of the treatment of criminals which they have from time to time so strenuously denounced.

We have read carefully, and with no common interest, the diversified statements, and we may say watched also, with deep concern, the various incongruities, of the *Times* in reference to that subject; we cannot, therefore, refrain from expressing ourselves strongly on their proceedings. And we are compelled to charge them—

First, with a knowledge and suppression of facts, which they have most culpably distorted and perverted, to support their own prejudiced, and, as appears to us, egregiously mistaken views of Prison Discipline.

Secondly, we impute to them that they are uninstructed in the true nature, operations, and results of a great vital and national subject, on which they have presumed to be the directors of public opinion:—and

Thirdly, we accuse them of most unduly and arrogantly taking advantage of the popular ignorance; assuming, as they seem to have done, that their statements are entitled to general credence and implicit belief.

We repeat, that we are aware of their immense power and influ-

ence ; we well know, upon entering on this controversy, the unequal position we occupy—the opportunity they have, and the nonchalance with which, when unable to bring fact and argument to bear, they can treat with ridicule and contempt those who may have the hardihood to contend with them,—and that, with the dash of a paragraph, they may hold up, comparatively, to public derision, such persons. But we appeal not to the *Times* in this matter ; a reflecting and dispassionate community are able to judge, and to form their opinion of the right and the wrong in the argument, of the fairness or perversion of dealing, when truth and falsehood are placed in juxta-position. This we shall attempt to show in sifting the artifices, tracing the misrepresentations, and winnowing the chaff of sophistication of the *Times* ; and it is before the public we lay our evidence, and to the public we appeal.

" *The appalling announcement made by the National,*" referred to in the *Times* of the 25th November, 1843, with regard to the alleged "horrible results" of (we presume *unmitigated*) solitary confinement upon thirty political prisoners, consigned to the dungeons of St. Michel, in France, is made the occasion for that journal to issue forth its denunciations against the system of discipline in operation at the Eastern Penitentiary at Philadelphia, and in the new Penitentiary at New Jersey, in the United States ; and, after detailing the effects of solitary confinement upon the political offenders alluded to, it proceeds at once, without reservation or qualification, to impute the same disastrous consequences as accruing to the inmates of the Penitentiaries which we have named ; whilst it is insidiously intended, as will appear from the leading articles which we shall have occasion to notice, to produce also a strong impression on the public mind against the more recent introduction of the separate system into this country, endeavouring to lead the reader to the belief that solitary confinement in the subterranean holds of St. Michel, in France, and separate confinement in the cells of the Model Prison, Pentonville, are identical in their nature, and "*may be*" equally baneful in effect.

We commence our quotations from the *Times* of Nov. 25, 1843—

“Similar deplorable results have arisen from the enforcement of the same accursed system in the Eastern Penitentiary at Philadelphia, and in the New Penitentiary in New Jersey, in the United States.”

Whether such a sweeping declaration be founded in fact, and whether there be any analogy, will be shown by the evidence we shall produce from the official documents of the institutions mentioned by that Journal. We will make a few citations as to the GENERAL HEALTH of the inmates of the Eastern Penitentiary, beginning with the third Report, for 1831. The physician states, “No particular disease can be said to prevail in the Penitentiary, *as the result of the mode of confinement or discipline*, and no mental affection has been superinduced.”

In the Fourth Report, for 1832, the physician also says, “No facts have been developed during this year, to show that the mode of confinement adopted at the Eastern Penitentiary is particularly injurious to health; it has the effect of rendering the frame less robust, but, at the same time, prevents the operation of numerous causes of disease to which persons of the class which generally fill our prisons, are usually exposed, either from necessity, or from the indulgence of vicious habits; the comparative healthfulness of the confinement and mode of discipline must be apparent, as exhibited in the comparative health on admission and discharge of twenty prisoners liberated during the year.”

Dr. Franklin Bache further reports, “Upon the whole it may be affirmed, that the health of the prisoners has been good during the year:—the same period has proved destructive of human life in portions of our country, from the prevalence of *pestilence*; (cholera) but happily, from the *isolated* condition of our prisoners, and the regularity of their lives, the destructive cause has passed over them, *without producing disease*. Health continues to be enjoyed by a number of prisoners, *whose periods of imprisonment have been the longest*.”

Fifth Report, for 1834. “The health of the prisoners for this year has been better than for any preceding year since the opening of the Penitentiary. Upon the whole, it may be safely asserted,

" as the result of more than four years' experience of the operations
 " of this Penitentiary, that the peculiar mode of confinement, so
 " far from being injurious to the health of the convicts, is generally
 " beneficial, and forms a decided improvement in this particular
 " over the modes of incarceration pursued in other prisons.

" The medical facts derived from the experience of this year, are
 " more valuable than those of any former period; inasmuch as they
 " are founded upon the observations of a larger number of prisoners."

Sixth Report, 1835. " The number of cases of disease occurring
 " this year has been greater, in proportion to the number of pri-
 " soners, than in any former year since the opening of the Peniten-
 " tiary. The increase of disease was confined chiefly to July and
 " August; during which months, in consequence probably of the
 " extreme heat of the weather, a large proportion of febrile cases
 " occurred; notwithstanding the great amount of sickness, the
 " mortality of this year has been moderate." This is shown by a
 " Table, and it is further noticed, " The facts contained in the above
 " Table show, that the confinement in the Penitentiary is not
 " unfavourable, as a general rule, to the health of the prisoners."

The Inspectors, (Honorary Officers appointed by the Supreme
 Court of the State), who have the special supervision of the Peni-
 tentiary, in their Report of 1836, remark: " The expectation
 " hitherto expressed by the Board, that solitary or separate impri-
 " sonment, with labour, has *no unfavourable* influence upon the
 " mind or body of the prisoner, is fully confirmed by the experience
 " of another year."

The Inspectors' Report, for 1837, evinces further favourable tes-
 timony. " It will be seen by the report of the physicians, that the
 " general health of the institution is good; *no case* of illness having
 " occurred which can in *any way* be ascribed to the separate or
 " solitary confinement of the prisoners, or the operation of the
 " system of punishment."

In the United States, as in this country, popular objections were
 raised by the advocates of the silent system against the Pennsylvan-
 ian, or separate system, respecting its injurious influence upon the

mind and health; and to ascertain whether such objections were valid or groundless, the State Legislature appointed a committee of its members, to visit and report upon the nature and effects of the discipline in operation at the Eastern Penitentiary; and the following is an extract of such Report, read to the House, February, 1838.

“The result of more than eight years’ actual practice conclusively proves, that the fears of its opponents were entirely without foundation, and that the expectations of its warmest friends and advocates have been more than realized. Your committee, separately and together, visited most of the cells, and held private conversation with the inmates thereof. In their interview with the prisoners, they endeavoured to ascertain the moral and physical effects of this system of punishment, as well as to hear the convict’s own narration of his general treatment by the officers of the prison—and it is with no small degree of pride, as Pennsylvanians, and pleasure, as members of the committee, that they are able to testify their *entire satisfaction*, resulting from this part of their investigation. This examination has clearly satisfied your committee, that the system of discipline, as carried out in the Eastern Penitentiary, has a salutary effect on the minds of most of the prisoners. Being isolated, they have no opportunity to corrupt each other, but are thus placed in a situation alike favourable for receiving lessons of religion and morality, and for serious meditation and reflection.”

Dr. Hartshorne, in the last Report, for 1844, offers the following testimony upon the “general health” of prisoners. “I have not been able to discover any disease peculiar to this Penitentiary. Instances of general debility, resulting from various depressing causes, must of course sometimes occur; but they present an assemblage of symptoms sufficiently often met with in other prisons, and elsewhere in public and private practice.”

Only one quotation, having reference to the New Jersey Penitentiary: it is from the Report of the Joint Committee of the Council, and of the House of Assembly, and which Report was read to the State Legislature of New Jersey, November 5th, 1842.

"The Committee have thoroughly inspected the prison itself, have visited many of its cells, and examined the condition of the inmates, and their general health is very good. The testimony of each succeeding year is thus *accumulating in favour of this system* of punishment for crime, sanctioned by our laws, both as a means of punishment and of reformation to criminals; the Committee believe that the present system is admirably adapted to fulfil the wishes of its friends and advocates."

It will be observed, allusion is here made to the Penitentiary of which Mr. Coleman, who is repeatedly mentioned by the *Times*, is the medical officer.

We make a reference or two on the MENTAL INFLUENCE of separation, to meet the opposition of the *Times* to the "*accursed*" "*maniac-making*" system—epithets applied by them to the discipline in operation also at the Eastern Penitentiary. We quote, first, from the Reports of the Committee appointed by the Legislature, and which were read to the Senate February 14th, 1837. After adverting to the allegations made against the separate system, in regard to its physical effects, the Committee state, "Another objection sometimes urged against the Pennsylvanian system of discipline, and, in the apprehension of your Committee, equally groundless with the last considered, is the supposed tendency of uninterrupted solitary seclusion to 'dethrone reason, and make wreck of the immortal mind.' In this case, too, the Committee had recourse to *indisputable facts, and the veracity of recent evidence*. A comparison of the registers of several Penitentiaries in the United States, will demonstrate the position, that the Pennsylvanian prison exhibits as few (*if not fewer*) cases of mental derangement, as any similar institution; indeed, *no instance of insanity* has yet occurred in the Eastern Penitentiary, which has not been traced to causes *wholly independent of*, or either anterior or posterior to, confinement. The foregoing objections to the Pennsylvanian, having been fully examined and considered by your Committee, and, as they suppose, satisfactorily settled in favour of our own policy, it almost follows, as a matter of course,

“that our principles of prison discipline approach nearer to perfection than any that have as yet been tested.”

We have also the opinion of another Legislative Committee, in 1838, upon the subject of the *mental influence* of separate confinement. “It being urged by some who objected to this (separate) system, that exclusive separation would weaken the mind, and produce insanity, some of the Committee visited the cells, and conversed with the prisoners, who had been five, six, and eight years in confinement, and whose minds appeared both clear and strong, without anything like aberration of mind, or insanity, and that they were informed, that no case of insanity had ever been produced by the system, nor can they suppose that there is any danger of such an effect, when it will be remembered that these prisoners have constant employment, a variety of books, and have intercourse with their separate overseers several times a day. While the Committee are entirely satisfied with the result of separate confinement, with labour, in the state prisons, they believe the Pennsylvanian system will never be fully carried out until a similar discipline shall be introduced into all the prisons in the country.”

Without increasing extracts from other official documents of the Eastern Penitentiary, in refutation of the statement of the *Times*, we will give a brief notice from the report for 1844. The inspectors, after fifteen years’ experience, observe:—“The ‘hazard of stultifying the mind,’ has been regarded as a possible concomitant of separate confinement with labour—the inspectors desire to record their conviction in regard thereto, that no case has occurred within their knowledge where such effects have ever been produced.”

And the physician, in the same report, furnishes important testimony upon this subject. “Instead of ‘stultifying the intellect,’ it is observed by Dr. Hartshorne, “as some imagine, I am fully satisfied that separate imprisonment is more apt to produce the opposite effect. The perceptions are evidently rendered more acute by continual exertion under the difficulties of restraint. The reflective powers also are increased by their unwonted activity under

"the exigencies of a seclusion uninterrupted except by intercourse with intelligent and considerate men."

We now more particularly bring under notice the gross manner in which the *Times*, of November 25th, 1843, further strive to show the injurious influence of the solitary system as it operates upon the intellectual faculties. We notice the palpable omissions, and the studious evasion of a correct version of the citations professed to be given; with a view, we contend, of supporting their own peculiar dogmas, and regardless of the undue prepossessions which such mutilated extracts may have upon the mind of the reader.

The following is a quotation from that journal:—

"In the year 1838, it was officially announced, that out of 386 prisoners in the Eastern Penitentiary, Fourteen had become, within the year, victims of Dementia. In the next year, it was declared, upon the same authority, that out of 387 prisoners, there were Eighteen fresh victims to the same malady; and in 1840, we are informed, that out of 434 prisoners, there were then Twenty-six more."

These statements are made by the *Times* without any exceptions or explanation. We have, with some care, analyzed the official documents of the Eastern Penitentiary, and we give, as under, the result of our examination with regard to the "FOURTEEN who had become victims of dementia." They might have *added*, had they dealt fairly,

"These cases of dementia have all been discharged *cured*, except one only relieved and another yet on the list; two-thirds were coloured prisoners."

Another reference:—"EIGHTEEN fresh victims of the same malady," are brought under notice; we will only give for example the eight "white cases:"—

Two admitted, "diseased" and "troubled mind" and "imperfect health,"—both cured.

Two admitted, "disturbed mind" and "good health,"—one cured, one remains.

Three admitted, "good health,"—two cured, one "relieved, but "subsequently died of consumption."

One admitted, "scrofula," "relieved and at work."

Showing, that four were admitted of unsound mind, three of whom were cured, and one continued afflicted; of the remaining four, three were admitted in "good health" and one scrofulous, of whom two were cured and two relieved.

Does it appear from the preceding, taking the proportion of white convicts, that they should be termed "fresh victims of the same "malady—dementia?"

We next remark upon the "TWENTY-SIX more," adverted to by the *Times*; of these we will only take the thirteen white cases:—

Four admitted, one "monomania," one "eccentricity," one "hallucination," one "a hard drinker and distressed."—Of these, one cured, one "continues distressed and at work," one "subject to "violent fits of anger," and one "sent to Alms-house."

Two admitted, "imperfect health," "troubled and disturbed mind," both cured.

One admitted, "good health," "disturbed mind,"—"sent to "Alms-house."

Four admitted, "imperfect health,"—all cured.

Two admitted, "good health,"—both cured.

Of these, seven were admitted of unsound mind, of whom three were cured; two "sent to Alms-house;" one "continues distressed "and at work;" and one "subject to violent fits of anger."

Of the remaining six, four were admitted in "imperfect health," "all cured;" and two in "good health," also "cured."

Do these furnish, in *their* proportion, "thirteen" "more cases of "dementia?" Is not the assertion distinctly denied by the official Reports from which we derive our evidence? Thus much for accuracy of statement and the alleged "incurable dementia" cases, as extracted from the same official source. We desire no disguise in this matter; we give the *Times* all the advantage of "official" statement with regard to the peculiar alleged characteristics of the cases

referred to ; but we think it will appear the reader must come to a somewhat different conclusion, from the tables we have furnished, as to the "mental disorder" cases mentioned by them, they affirming "that dementia is generally incurable lunacy."

We may remark, that important testimony is given by a professional gentleman, Dr. Varrentrapp, upon *the nature* of these alleged "mental disorder" cases.—See note A.

We give a passage or two more upon this branch of the inquiry, and with reference to the Eastern Penitentiary discipline ; it is from Dr. Coates, a physician of Philadelphia, who has bestowed considerable attention to the subject of the mental and physical influence of the Pennsylvanian system ;—we shall have occasion again to adduce this gentleman's testimony.

Dr. B. C. Coates observes, "The effect of separate imprisonment *has NOT been, as has been erroneously charged against it, to produce insanity*, although a humane and strict analysis has shown many to have been affected, both with insanity, and with imbecility, at the times when they committed the offences for which they were sentenced." From this, it would appear, that the Eastern Penitentiary may be considered as having been, for these irresponsible beings, *a lunatic asylum* rather than a penal institution ; and the reader will form his own opinion upon the correctness of applying such epithets as the "accursed" "maniac-making" system to the discipline of the Eastern Penitentiary.

We shall now note the particular reference made by the *Times* as affecting the New Jersey Penitentiary, and which exhibits another extraordinary method of quotation. Upon *insane* cases they state,

"*In the year 1840, in the Penitentiary in New Jersey, out of 152 prisoners, TWELVE had become deranged in consequence of the unbroken solitude in which they had been confined.*"

On an examination of the official document, it will be found that this statement is directly at variance with the fact of the case. Mr. Mr. Coleman, the Surgeon of the Penitentiary there, reports, "There are now amongst the 152 prisoners, twelve deranged men : MORE

“*than half these were fit for a Lunatic Asylum when they were received.* Such men are not proper subjects for the Penitentiaries.” Mr. Coleman has not furnished a tabular synopsis of the *actual* number insane *when admitted*.

We may further remark concerning insane cases, that some of these identical pitiable objects came under our own immediate observation on the occasion of a visit to this Penitentiary, in 1841. —One was a matricide; another had murdered his wife; we went into their cells, and truly they were not fit subjects for a penal Institution. Upon our making particular inquiries respecting them, we were assured by the officers of the prison, that there were no such cases in the establishment which did not give indications of unsoundness of mind, on admission.

What then becomes of the “TWELVE” alleged cases, the affirmed result of the “*unbroken solitude*” of the prison, as mentioned by the *Times*?

One more reference to the New Jersey Penitentiary adverted to by the *Times*, November 29th, 1843. There a quotation is made from the report of Mr. Coleman, the medical officer of that institution, relative to the imputed injuriously physical and mental influence of solitary confinement, as stated in the Report for 1839. It may, however, be more satisfactory to give Mr. Coleman’s opinion, the reflection of more *lengthened experience*, as presented in the Report for 1842; wherein that favourite authority of the *Times*, avouches, “There have been a very few on the sick list at any time during the year, *and no case of insanity* has originated in the house within this time.” And he further observes—“If the present plan be continued, leaving it to the judgment of those in the management of the prison, how to proportion the exercise of the convicts to their actual wants,—when to give them society, for mental relief,—when to indulge them with the air of the yard, for sickness,—making it a *separate*, rather than a solitary system of confinement, *our institution will stand first in point of excellence.*”

Here, it will be seen, is an important recognition of the principles adopted at the Model Prison, London,—principles which the advo-

cates of the Pennsylvanian system contend for ; namely, a *separate*, and not a solitary system of confinement ;* and this principle we now find meeting with the concurrence even of Mr. Coleman, who has been considered by the opponents of the *separate system*, (the promoters of the Auburn, or silent system, and the *Times*), as the most weighty and conclusive authority against the Pennsylvanian system.

We may offer a concluding remark or two applicable to the New Jersey Penitentiary :—By the polite introduction of the Hon. Mr. Pennington, Governor of the State of New Jersey, we were permitted most unreservedly to visit the separate cells of the Penitentiary under notice ; every facility was afforded to us for making the most minute examination ; we had free and unrestricted conversation with the prisoners under conviction for every grade of crime ; and, in our inquiries from them, (inquiries made, not in a manner to elicit answers that might appear to favour the system there adopted), as to their opinion of separation, in comparison with the system formerly in operation at the Old Prison, upon the congregated plan ; (many of them being old offenders, and having there been inmates,) from the testimony of twenty convicts that we specially examined, there was a decided expression of sentiment favourable to isolation. The result of this examination, and the opinions enunciated, with the general result of our observations upon the state of ventilation, the warming of the prison, the condition of one of its blocks of corridors, and the length of sentences, formed topics for our remarks on leaving the Penitentiary ; and upon which also we made our entries in the visitors' book ; and whatever may have been urged condemna-

* By some of the advocates for separation, solitary confinement, and separate or individual imprisonment, with labour, (unwisely, we think) are not unfrequently referred to so as to make them appear of similar import ; of this, the opponents to the separate system take advantage ; associating separate or individual imprisonment with labour, with the cruelties of unmitigated solitary confinement which were adopted in connection with the early operations of the Auburn Institution, and also at Maine, Vermont, Virginia, &c.

tory of the separate system as *there* in operation, we received from the lips of the officers who had been many years connected with the State Penal Institution, strong expressions in favour of the introduction of the Pennsylvanian system. And we are just reminded, whilst making these observations, of a communication which we received from the former Warden of the Old Prison, and who was also Warden of the Separate System, New Penitentiary, Mr. J. A. Yard, who thus writes,—“ I removed the prisoners from “ the Old to the New Prison, in October, 1836, and continued with “ them as principal keeper until November, 1839, near four years ; “ during which period I endeavoured to become acquainted with the “ effect of imprisonment, on this system, upon the prisoner. I “ visited every prisoner from once to three times each week, and saw “ that every man and woman had constant employment. I observed “ a manifest difference in the temper and disposition of the prisoners, “ soon after removal to the new prison ; they appeared more subdued “ in spirit, and became at once both frank and open in their commu- “ nications upon all subjects. In regard to health, *there was less* “ *sickness and death in the four years* past, in the New Prison, than “ in the four years previous, at the Old Prison. In conclusion, I “ have no hesitation in saying, that there is no comparison between “ the two systems, (the congregated and separate,) the present “ having so much the superiority over the former, if the present “ system be fully carried out.”

This, be it remarked, is the result of eight years' every-day observation and experience upon the operations of the modes of imprisonment above referred to.

It will not, we apprehend, be out of place, briefly to advert to the statement of Dr. Pelts, the Physician to the City and County Prison, or House of Correction, Philadelphia, in which the “ solitary,” or separate system, is adopted.

Dr. Pelts is requested by the Committee of the State Legislature, appointed in 1838, to reply to the following query :—

“ What effect does solitary confinement, *with labour*, appear to “ have on the mind ; does it seem injuriously to affect it ? ”

The Doctor replied as follows,—

"To this, I can assure you, that so far as my observation has gone, I am *decidedly* of opinion, that so far from being injurious, solitary confinement, with labour, has an *evident beneficial effect* upon the minds of the convicts. Since the prisoners have been confined in the New County Prison, *we have had a considerable number of mania cases*, but there *has not* been a single case, the cause of whose insanity could not be traced to causes foreign to his imprisonment, *and entirely disconnected* with the solitary confinement, and discipline of the prison:—on the contrary, the *cure* of many cases that terminated favourably, must be attributed (together with other treatment) to the solitary confinement and discipline of the prison."

By these extracts, from official documents, it will be seen whether there be any analogy between the mode of action adopted, with regard to the prison at Mount St. Michel, in France,* and the discipline of the Eastern Penitentiary, and the Penitentiary at Trenton; and whether the alleged "accursed system," adopted at Mount St. Michel and the American Penitentiaries, are the same; the main object of the *Times* being to impute consequences mentally injurious, resulting from separate confinement, which are not to be found in Penitentiaries adopting the Auburn, or silent system.

Without multiplying instances, we will only select a paragraph or two, from the reports of the two model institutions of America, upon the Auburn, or silent, and congregated system, and which may be information for the *Times*.—In such institutions, there are to be found, unhappily, *many cases of mental disorder*.

The Physician of the New York State Prison, at Auburn, observes, in his Report for 1844:—"The gloom and despondency that affect some of the convicts from brooding over their situation, frequently enfeeble both mind and body; and, if their confine-

* See Note B.

"ment was unreasonably protracted, would eventually destroy "life."

We note the following from the Report of the Inspectors of the New York State Prison at Sing Sing, also for 1844. "No suitable provision is made for convicts *who become deranged*; there is always a number of them in prison; some are so when they arrive, having doubtless committed their offences while partially insane, *others become so while in confinement, being reduced to that condition either by disease or mental suffering.*"*

We could quote at length from the report of several other Auburn or Silent System Penitentiaries, and show the *tendency* of their discipline, but what we have furnished may suffice; and these, forsooth, were exhibited to view as institutions "worthy of the world's imitation!"†

What, may we not ask, have the *Times* proved by their analogies, or their anathemas, against the separate system of imprisonment? Have they not withheld counter evidence, by which they might have given the "mentally injurious" results which have followed from a rigid enforcement of the Auburn, or silent system,—a system which meets with particular approval by the *Times*?

In the consideration of the treatment of criminals, its influence upon the mind and health is of the first importance; and having noticed the exceptions taken by the *Times* in regard to these points, as it relates to the discipline of the separate, which is also termed by the *Times*, the solitary system; our next reference will be to the observations of that journal with respect to PRISON MORTALITY, being the topic taken next in order.

"We have perused the tables of mortality in fifteen Penitentiaries

* In 1841, "several cases of paroxysmal aberration of mind" were reported, and which, with one exception, had "been successfully managed," and in 1843, there were in this Penitentiary seventeen deranged prisoners, besides seven sent to the Lunatic Asylum; in all, twenty-four cases.

† Boston Prison Discipline Society's Reports.

"in the United States, for the years 1840-1. Nine of them are conducted upon the Auburn, and six upon the Eastern Penitentiary system. In the former, where the solitary system does not prevail, the proportion of deaths amongst the prisoners is 1 in 45; in the latter, where it does prevail, 1 in 23."

To have an appearance of some research in the matter, and as though their statements were drawn from an official channel, the *Times* say; "We have perused the tables of mortality in fifteen penitentiaries," &c.—We at once assert that the *Times* have not "perused" such "tables." Why had they not the candour to inform their readers from whence they derived their information?—that it was from a table constructed by an inveterate opponent of the Separate System,—the Secretary of the "Boston Prison Discipline Society" (the periodical records of which we shall have occasion to comment upon)? Had the *Times* severally presented the "nine" Penitentiaries "conducted upon the Auburn" System, and the "six upon the Eastern Penitentiary" (or Separate) "System," we could then have analyzed them; we should have been able to show a palpable omission of Separate System Penitentiaries of very low rates of mortality, which would have exhibited different results to "1 in 23;" the same authority that furnished "nine" Penitentiaries "upon the Auburn" and "six upon the Eastern Penitentiary System" could have given an equal number of penitentiaries upon the two respective systems, but such a mode of comparison would not have suited the object of the constructor of the mortality table quoted by the *Times*; we can, however, only deal with the statements as we find them in the columns of that Journal, and will give some documentary proof to show the value of the testimony of the *Times* upon this branch of the question, and commence by quoting from a Legislative Committee Report, relative to prison mortality in the Eastern Penitentiary, and also from documents of subsequent periods until the last report of that institution, under the date of the present year (1844).

The following is from the Report of the Pennsylvanian Legislative Committee, for 1837. "The notion has prevailed to some extent

“ in the community, that the continual uninterrupted restraints of
 “ the solitary cell, practised in the Eastern Penitentiary, must ne-
 “ cessarily undermine, and, eventually, destroy the health and
 “ physical vigour of the convict. Your Committee have felt it their
 “ duty to inquire into the truth or falsity of this allegation. On
 “ this question, the Committee have not relied on abstract reasoning
 “ and doubtful speculation, but have employed more convincing
 “ tests—the results of *experiment* and the application of *ascertained*
 “ *facts*. In the prisons at Columbia, Ohio; at Wethersfield, Con-
 “ necticut; at Charlestown, Massachusetts; Sing Sing, and at Au-
 “ burn, New York; and at several other Prisons and Penitentiaries,
 “ solitary confinement in cells is alternated with labour in the open
 “ air during a large portion of each day. A comparison of the bills
 “ of mortality of the Eastern Penitentiary with these several insti-
 “ tutions, will show conclusively, that the unbroken solitude of the
 “ Pennsylvanian discipline *does not injuriously affect the health of*
 “ *the convict*. At the Eastern Penitentiary, the deaths are $2\frac{1}{2}$ per
 “ cent.; at Sing Sing 4 per cent.; at Auburn 2 per cent., and so on,
 “ settling the question beyond the possibility of doubt, that as great
 “ a measure of health is preserved in the Pennsylvanian prisons as in
 “ other similar institutions in the United States, or elsewhere.”

The Report for 1843 of the Eastern Penitentiary states: “The
 “ average mortality among the white prisoners of this Penitentiary,
 “ *since its institution*, is only $2\frac{17}{100}$, or say about 1 in 50, and
 “ when it is recollected that so many of our prisoners are asso-
 “ ciated with the vices and dissipations of a populous city and
 “ suburbs, thereby contracting diseases which they bring into the
 “ prison, we have no doubt, that the *mortality is less* than it would
 “ be among the same number of persons had they remained at large.”

In the report for 1844, we have the following as the amount of
 mortality:—“The whole number of deaths during the past year,
 “ was eleven for 487 prisoners, of these 325 were white and 162
 “ coloured, shewing a per centum of $1\frac{53}{100}$ as to the white, and
 “ $3\frac{6}{100}$ as to the coloured prisoners.”

In the Report for 1841, the Physician observes, regarding health

and mortality at the Western or Pittsburgh Penitentiary : " Of the whole number of sick in 1840, (with 130 prisoners) but *one* died : when this result is compared with that of *private practice*, and taking into consideration the mode of life of convicts in general, I think the conviction is forced upon us, that our Pennsylvanian system of solitary confinement, with labour, is *rather conducive* than injurious to health."

In the Report for 1843, the Inspectors observe : " We cannot admit that solitary confinement, with mitigated labour, which is, in other words, only healthful exercise, the free admission of air, the temperature regulated at pleasure by the inmates of the cell, and a reasonable degree of the light of day, varied by access to the Holy Scriptures, and treatises on moral and religious subjects, connected with the diurnal visits of a pious and untiring moral and religious instructor, is a position that can be regarded as unfavourable to the health of the body or mind."

The inspectors remark that the report of Dr. William Irwin, " conveys the most satisfactory information of the general, we may say unexampled health of the prisoners."

In 1841 and 1843, (we are without the Report for 1842,) with two annual averages of 138 prisoners, which presents a mortality of about one in fifty-five—the three years quoted, say six deaths for 406 convicts, would give about one in sixty-eight.

Is the mortality of this penitentiary included in the tables alleged to have been "*perused*" by the *Times* ?

We may advert to statements of the health and mortality of a third Pennsylvanian System Institution, namely, the Moyamensing, or City and County Prison of Philadelphia. On the occasion of our visit to that establishment in 1841, the warden favoured us with the following particulars :—"The health of the prison is very good ; the whole number in the sick list in 1839, on the convict side, was 29 ; of this number 9 died, 6 of Phthisis Pulmonalis, and 3 from other diseases ; in the untried department, not less each year than 5,000 persons are confined, yet the annual average of deaths does not exceed 4, as in 1839. So is the average

“ of each year with about 400 prisoners in confinement, or about “ 1 in 100.”

Is the mortality of this prison to be found in “ *the tables of fifteen penitentiaries*” “ *perused*” by the *Times* ?

We will now give a fourth example of mortality in a Pennsylvanian, or Separate System Prison. The *Times* have referred to the New Jersey Penitentiary ; the following is extracted from the official report to the Legislature of New Jersey, and presents the rate of mortality from the commencement of the new institution, in 1836, to 1842.

Date.	Average Number of Prisoners.	Deaths.
1837	126	1
1838	142	4
1839	159	2
1840	158	3
1841	151	2
1842	141	None.

Twelve deaths for 887 prisoners, or one in seventy-three.

The *Times* again revert to the subject of prison mortality in their publication of January 27th, 1844, and to produce a still more deepened impression upon the public mind, as to the imputed injurious influence of separate confinement, a table is given under the following title: “ *Mortality of the American Prisons*” during a period of fourteen years, and the two penal systems there prevailing are thus distinguished, “ *Solitary at night, Auburn Plan,*” “ *Solitary day and night, Pennsylvanian Plan,*” and the mortality ratios of five Auburn System Penitentiaries are presented, “ *New Hampshire, Vermont, Wethersfield, Connecticut, Charlestown, Massachusetts, Asylum New York,*” with a mortality of “ 1 in 50, or two per cent.” One example only is quoted on the “ *Pennsylvanian Plan,*” namely, the “ *Philadelphia New Penitentiary,*” with its stated mortality of “ 1 in 25, or four per cent.”

Will the *Times* maintain that the table they have exhibited is a fair index of "*mortality of THE American Prisons*" during the term they have mentioned?

It will be perceived there is an entire omission of the Auburn, the Sing Sing, and the Baltimore Institutions, which would have increased the proportion of mortality of the "*Auburn Plan*" Penitentiaries, whilst no reference whatever is made to the following Separate or "*Pennsylvanian Plan*" Penitentiaries; the Western Pennsylvanian or Pittsburgh, the mortality of which we have noted for three years, being about one in sixty-eight; the Trenton or New Jersey Penitentiary, with its mortality table for seven years, of about one in seventy-three; and also the Moyamensing Prison, with an "average of each year of about 1 in 100."

With regard to the apparently large mortality of "1 in 25" in the "*New Penitentiary, Philadelphia*," as indicated by the *Times*, we shall take occasion to go at length into the peculiar characteristics of the mortality of that institution, with the variety of evidence which has been brought forward from authorities quite as much entitled to credit, in our estimation, as the testimony of the *Times*.

We are enabled to give the following statistics, which are derived from the Reports for 1843 of the respective Institutions to which they refer, and are embodied in the Eastern Penitentiary Report for 1844.

<i>Auburn System.</i>	<i>Prisoners.</i>	<i>Deaths.</i>	
Massachusetts	384	2	
Michigan	130	1	
Auburn	975	14	
Sing Sing	1069	33	
Maryland	387	21	
	2945	71	2·41 per cent.

or one in forty-two.

<i>Separate System.</i>	<i>Prisoners.</i>	<i>Deaths.</i>
Eastern State Penitentiary.	487	11 2·25 per cent.
or one in forty-five.		

We present a further relative estimate, by which it will be seen that the Separate System imprisonment had not a comparatively deleterious influence at the period quoted.

In *three* Separate System Penitentiaries, for 1843, the following is the ratio of mortality :—

Eastern State Penitentiary...	} 1·96, or less than 1 in 50.
Western „ „ ...	
Trenton, New Jersey	

Another example is given of the Wethersfield (Connecticut) and the Eastern Penitentiaries; and we may remark, that Wethersfield is universally acknowledged to be one of the best conducted Penitentiaries on the Auburn System.

WETHERSFIELD.

An Auburn, or Congregated System Penitentiary.

Years.	Average Number of Convicts in Confinement.	Whites.	Coloured.	Total at the End of each Year.	Deaths.		Total Deaths.
					Whites.	Coloured.	
Year ending, March 31, 1842	208	159	52	211	5	5	10
„ „ „ 31, 1843	207	155	48	203	5	3	8
„ „ „ 31, 1844	195	146	49	195	3	7	10
	610	460	149	609	13	15	28

EASTERN PENITENTIARY.

A Separate System Institution.

Years.	Average Number of Convicts in Confinement.	Whites.	Coloured.	Total at the End of each Year.	Deaths.		Total Deaths.
					Whites.	Coloured.	
Year ending December 31, 1841.....	347	201	134	335	4	13	17
" " " 31, 1842.....	342	212	119	331	3	6	9
" " " 31, 1843.....	334	235	124	359	5	6	11
	1023	648	377	1025	12	25	37

Which gives for Wethersfield a proportion of deaths equal to

2·82 per cent. for white, and

10·06 per cent. for coloured.

And for the Eastern Penitentiary, a proportion of deaths equal to

1·85 per cent. for white, and

6·63 per cent. for coloured,

or near 1 per cent of white mortality in favour of separate confinement, or about $3\frac{1}{2}$ per cent. of coloured mortality also in favour of separate confinement.

As collateral evidence for the further illustration of the subject, the following table is exhibited, constructed from the official documents of each year, from the commencement of the Eastern Penitentiary, in 1829, to 1842 inclusive; having reference more particularly to the *white* convicts. The following evidence is the result of the special examination of Dr. B. H. Coates, upon the subject of mortality, in the Eastern Penitentiary; and the subjoined is extracted from a paper read by that gentleman at the centesimal anniversary of the American Philosophical Society, May 29th, 1843; and from which paper it will be seen, that the proportion of mortality amongst the white convicts in the Eastern Penitentiary, is *decidedly less* than the ratio of mortality amongst the community, and is far

from furnishing any argument against the physical effects of the Separate System, as attempted to be proved in the leading article of the *Times*, of November 25th, 1843.

Date.	Total Average of Prisoners.	Average Number of Whites.	White Deaths	Total Mortality per cent.
1830	31	21.81	1	4.19
1831	67	47.75	2	4.18
1832	91	69.42	1	1.44
1833	123	89.30	1	1.11
1834	183	23.58	1	0.8
1835	266	154.74	2	1.26
1836	360	202	2	0.99
1837	387	233	7	3.0
1838	401	244	7	2.92
1839	418	245	2	0.81
1840	394	232	9	3.88
1841	347	203	4	1.97
1842	342	212	3	1.41

This table shows the average rate per cent. of white deaths in thirteen years, to be 2.03, or about one in fifty; and by comparing the ratios of ten years' (from 1821 to 1830 inclusive) mortality in the city and suburbs of Philadelphia, according to researches of Dr. Emerson, (Medical Statistics, Nov., 1831, p. 28) we find them to be $2\frac{422}{1000}$; thus *exceeding* the prison mortality. Upon this subject, Dr. Coates remarks, "The mortality of the coloured convicts in this Penitentiary has been so great as to swell the total amount, and attract the attention of humane critics, and this has, at times, been so far the case, as to impair the character of the prison, and tend to diminish the public confidence in the mode of punishment adopted in it. With the controversy which has grown out of this, we have nothing to do, but the result exhibited was, that the

"average mortality of the *white* convicts in the prison, *was less than that of the white inhabitants of the 'city and liberties of Philadelphia.'*"

We might give at length also a tabular statement, showing the mortality amongst coloured prisoners, which exceeds that of the community; it being 7·03, or one in fifteen. With that part of the argument, we conceive, in this country it may not be so much a matter of interest, nor will it, we presume, help the writer of the prison article in the *Times*, to make out his case against the physical effects of the separate system, in relation to its adoption *in this country*. If he be disposed to take up the cause of coloured prisoners, he may find ample scope also for his benevolence in advocating the cause of the sable millions in the United States now in CIVIL THRALDOM.

We have had occasion, incidentally, to refer to Walnut-street Prison, Philadelphia. That prison was in operation previous to and about five years concurrent with the Eastern Penitentiary; was a gaol in which the prisoners were confined in large rooms, in congregated masses; were employed in spacious airy workshops, having also capacious apartments for their dormitories. With this mode of confinement, the whites and the blacks were mingled together, and it may be interesting in our inquiry, to ascertain what was the ratio or proportion of mortality under such circumstances, in comparison with the proportion of mortality at the Eastern Penitentiary under the Separate System, and *which* mode of discipline was found to present the larger amount of mortality?

Dr. Varrentrapp* has furnished a very interesting analysis of mortality under the two respective systems, the comparison being made at periods co-temporaneous with, and also at subsequent periods to the introduction of the Separate System at the Eastern Penitentiary.

* De L' Emprisonnement Individuel.—Paris, 1844.

THE OLD, OR WALNUT STREET PRISON, UPON THE CONGREGATED
SYSTEM.

	Ratio of Mortality in Whites.	Ratio of Mortality in Blacks.	Total Mortality.
1829-1834	4.26	6.88 ..	5.43 per cent.

THE NEW, OR EASTERN PENITENTIARY, UPON THE SEPARATE
SYSTEM.

1830-1834	1.70	6.29	3.03 per cent.
1840-1842	2.02	6.78	3.86 ...

From which it will be seen that the mortality amongst the white prisoners had considerably *diminished* during the operation of the Separate System, "being less than one-half of what it was in the Old Prison" under the Congregated System. Of the blacks it is remarked, and which will be apparent, that, although the table regarding such, presents but little amelioration, "their state had *not retrograded*," and it is to be observed, that the terms of imprisonment *were shorter* in the Old, under the Congregated, than in the New Prison, under the Separate System.

Will it satisfy the humanity of the *Times* to learn, that whilst it can be proved that the New Penitentiary at Philadelphia has been "a recipient of disease, and a dispenser of "health," its mortality amongst the *white* convicts, has been "decidedly less than mortality amongst the community." The preceding Tables present results under similar circumstances of locality and characteristic population, and must be considered a fair analogy for contrast with regard to proportions of mortality; all these ratios, or estimates we have given, most conclusively proving, we apprehend, that separate confinement has *not a tendency* to increase mortality, and that the representations of the *Times* upon this point are highly calculated to mislead.

What, then, becomes of the objections of the *Times* as to the alleged increase of mortality under the Pennsylvanian system?

We are apprehensive that we shall try the patience of the inquirer who may not have investigated, to any extent, this important sub-

ject; but there is another point which bears seriously on the due consideration of this question, and which is likewise entirely left out of view by the *Times*, namely, the influence which the mortality of coloured convicts has, more especially upon the reported amount of mortality in the Separate System Penitentiaries, to which, had the *Times* been disposed to act fairly, they would not have failed to have given due prominence. We will, therefore, elucidate this portion by "facts and figures," which will not, we think, require further explanation to an understanding of it.

Dr. Varrentrapp, from whom we have already quoted, has carefully examined this point, and with such perspicuity that we feel pleasure in giving the result of his inquiry, that gentleman well knowing the liability there is to err in taking a superficial view of the matter under observation.

Referring to the inmates of the principal Penitentiaries in America, Dr. Varrentrapp observes, "We find that in 1837, the proportion of blacks was five times more in the Philadelphian Penitentiaries, than in the Auburn Penitentiaries;" and it is fair to assume, that it may be considered a general average, which is shown by the ensuing statistics.

"The proportion of blacks to the number of whites was for the following—

AUBURN SYSTEM PENITENTIARY.

"Sing Sing (State of New York) ...	0·3	per cent. blacks
"Tennessee	1·9	"
"Auburn (State of New York)	4·4	"
"Charlestown (Massachusetts)	8·2	"
"Columbus (Ohio)	10·4	"
"Baltimore (Maryland)	18·8	"
"Wethersfield (Connecticut)	25·2	"

SEPARATE SYSTEM INSTITUTIONS.

"Pittsburgh (Pennsylvania)	16·0	per cent. blacks
"Trenton (New Jersey)	34·7	"
"Philadelphia (Pennsylvania)	39·7	"

"The first seven Penitentiaries here quoted, follow the Auburn" (or

Silent and Congregated System); "the three last, the Pennsylvanian" (or Separate System); "the mean number of the blacks for the former, is 7 9-10ths per cent.; for the latter, 34 6-10ths per cent."

"We do not require, for our purpose," remarks Dr. Varrentrapp, "that the years 1830 to 1833 should be taken for a comparison, a period when there was not a single death among the blacks; or the years 1834, 1836, and 1839, when the mortality among the whites was below 1 per cent.; and on the other hand, it would be equally unfair to draw our conclusions exclusively from the year 1838."

Dr. Varrentrapp further continues: "Compare the two systems with the same sort of population, that is, exclude the blacks of Philadelphia, and we shall find the mortality among the white prisoners very much less at Philadelphia than at Auburn, and this notwithstanding the more healthy climate of New York. It is only at the first glance that the mortality among prisoners at Philadelphia (5.97 per cent.) appears greater than Auburn (2.02 per cent.), but when it is considered that in the former the proportion of blacks is eight times that of the latter, and that at Auburn the pardons are four times larger in amount (pardons it is stated to prevent prison mortality), the result will be reversed."

"Let us," observes Dr. Varrentrapp, "have fairness and impartiality in this discussion; let us take the whole term of years of the Philadelphia Penitentiary, and a certain number of Auburn Penitentiaries (with all the distinctive peculiarities to which reference has been made), and we shall find the result will differ very essentially from one drawn from a single and exceptional year. The two systems should be compared, as far as possible, *under the same 'conditions'* to form a correct estimate of *actual* results."

There is a further important constituent connected with the arriving at a correct amount of the ratio of mortality also entirely omitted by the *Times*, in the manner which they have submitted it to the notice of their readers; it is the serious influence which *pardons*, granted at Auburn, have had in *diminishing* the reported ratio of

mortality in that institution, and which would, of course, affect the aggregate which they have represented as being an accurate account of the mortality under the AUBURN SYSTEM.

By the last Report, namely, for 1844, furnished by the physician of the Auburn Silent System Penitentiary, the following table is presented of the number of pardons granted under circumstances, we conceive, of peculiar and painful interest.

In	1834.	1835.	1836.	1837.	1838.	1839.	1840.	1841.	1842.	1843.
Pardons	49	54	45	35	57	14	33	35	38	38

Or a total of 398 pardons.

What will the *Times* think of the following *medical testimony*, and from one who could not be supposed to have entertained any prejudices against the system which he was officially appointed to aid in carrying out?

Dr. Dimon observes in his report to the legislature of the State of New York,—“The number of deaths in this prison is somewhat “DIMINISHED BY PARDONS, and it seems to me to be a legitimate “subject for the report of your physician, inasmuch as it must form “part of the correct data upon which to ascertain *the effects of prison “confinement upon health.* I am induced to mention it in this “connection.”

And this medical officer further remarks, “As it has *long been* a “principle upon which pardons have been granted, namely, that they “WERE NECESSARY TO SAVE LIFE, it is safe to presume, in the “absence of actual information, that an equal proportion of the above “pardons (as per table) have been yearly granted for such reason.”

The *Times* might inquire what argument is adduced by these medical statements against the influence of the Auburn System, when pardons are also granted under the Separate System? The *Times* will permit us first to place in apposition what is stated relative to the granting of pardons within a Separate System Penitentiary, namely, the Eastern, the denounced institution of the *Times*. In the Report for 1841 (the twelfth), the warden writes, “Of the seventy-one pardons (from the commencement of the “institution, twelve years), I believe only three or four have had

“the sanction of the board or myself, and there is certainly no cause for either of us abandoning our *opposition to the practice*. Our penal system will never be perfect until *our governors*” (not a word said upon *medical* grounds,) “cease to pardon, except in those cases where *innocence* can be proved, or some circumstances that could not be on their trial.”

Such are the sentiments expressed by an officer of a Separate System Penitentiary; nor do we find any allusion made to the necessity of pardoning to save their lives! The report for 1844 is very decided:—“No prisoner has been pardoned on account of ill health, nor has any been pardoned whose health was so impaired as to have been likely to add to the mortality of the year if they had remained in prison.”

From the declaration of the physician of the Auburn Prison, we are warranted, we think, to remark, that even supposing the assertion of the *Times* to be correct, the annual computation of mortality in Auburn Prisons would be greatly increased. The very fact that convicts are pardoned to *prevent such mortality*, is conclusive that the Auburn Penitentiary Return would have shown a considerable addition to that which the *Times* have furnished; and thus, whether any dependence can be placed upon the estimate given by them of the mortality in Separate System Penitentiaries of “1 in 23, or 1 in 25,” as a *general ratio*, we will leave to be determined from the statistics which we have produced.

The remarkable contrast upon pardons which we have presented in the comparison made by two functionaries of two rival institutions, namely, the Auburn or Silent System Penitentiary and the Eastern or Separate System Penitentiary, we leave to make its own impression on the mind of the reader. So much for the Auburn System that the *Times* “delight to honour!”

How easy it is to make vague declarations, and thus create false apprehensions when there is an entire suppression of collateral evidence which would exhibit a clearly contrary result. This we maintain is the course which has been pursued by the *Times*, in reference to the manner in which they have exhibited their “prison mortality” views to the world.

We now enter upon the subject of COMMITTALS and RE-COMMITTALS.

It is observed by the *Times*:—"Wherever the probationary discipline has been longest tried there its failure has been most conspicuous. In the Penitentiary of New Jersey, the number of committals is 113 in 1836; in 1837, 141; in 1838, 163; in 1839, 166; and in 1840, 152."

"In the Eastern Penitentiary at Philadelphia, the increase" (of committals) "will be most easily seen from a glance at the subjoined table. We may add, that, during the same eleven years the number of committals to the county prisons of that State was not diminished but greatly increased."

Times.

Year.	Average Number of Prisoners.	
1830	31	
1831	67	
1832	91	
1833	123	
1834	183	
1835	266	
1836	360	<i>Official.</i>
1837	386	387
1838	387	401
1839	417	418
1840	434	394

We have seldom seen instances either of such egregious misrepresentation or of wilful deception than that practised by the *Times*, in attempting to prove what they have averred regarding the "conspicuous failure" of the Separate System, or what is denominated by them "*the probationary discipline*;" and in support of these allegations the asserted committals to the New Jersey Penitentiary and

the Eastern Penitentiary are enumerated as examples of the “*conspicuous failure*” of the system there prevailing.

Will the reader give us momentary attention whilst we endeavour to show the veritable nature of this evidence? We commence our notice of the New Jersey Penitentiary, as given by the *Times*.

“*In the Penitentiary of New Jersey the number of committals in 1836 was 113, in 1837, 141, in 1838, 153, in 1839, 166, and in 1840, 152.*”

It will be seen by these figures that the *Times* do not sustain their own proposition, the asserted “*committals*” in 1840 being less than in 1838, but we conceive it will be more satisfactory to derive information from an official document.

We find the Legislative Committee of New Jersey, in their Report for 1838, thus writing:—“One of the best evidences of “the beneficial effects thus produced is *the great diminution of re-convictions*, and the fact made known to us by the inspectors, “that many who have long since been discharged, to all appearance “lead moral, and in some cases it is believed, pious lives.”

In the New Jersey Penitentiary Report for 1842, we find it also stated, “It argues favourably for the operation of the prison under “the new system (that of separation), as well as for the morals of “our State, that notwithstanding the difficulties of the times, the “number of prisoners and of commitments is *regularly diminishing*,” and the following numbers are given to show such decrease for five years, including 1842.

Whole number	}	1838.	1839.	1840.	1841.	1842.
of committals.		<u>78</u>	<u>71</u>	<u>61</u>	<u>59</u>	<u>44</u>

or a decrease of $43\frac{1}{2}$ per cent. from 1838, compared with 1842. We feel no reluctance in declaring that the *Times*, in their statement, have, to employ the mildest term, displayed unpardonable ignorance; the figures they have given having no reference whatever with the subject of “committals;” “113 in 1836,” is quoted as “*committals*” during that year, when in fact it is the number of persons removed from the Old Prison to the New Penitentiary on its completion in

1836, and these are termed "*committals*,"—the other numbers are equally fallacious.

What say the inspectors upon the "*conspicuous failure*" of the system at New Jersey in the same Report? "In our intercourse "with the prisoners we have no reason to recommend a change "from the present system of Solitary confinement, but are still "better satisfied of its efficiency as a mode of punishment, and "better calculated to produce a reformation than one more social."

Does this appear like "conspicuous failure?"

We now proceed to a more lengthened notice of the Eastern Penitentiary, and it will be seen how truth and the statements of the *Times* approximate. That Journal speaks of the penitentiary under consideration in the following terms:—

"In the Eastern Penitentiary at Philadelphia, the increase" (of committals) "will be most easily seen from a glance at the sub-joined table," &c. (See page 43).

Have the *Times* "*perused*" the Reports of the Eastern Penitentiary to obtain their numerals? The statistical column they have given is to show the apparently progressive amount of the increase of "*committals*" to the Eastern Penitentiary, by which their readers are to be convinced by "*a glance*," of the "*conspicuous failure*" of what they have termed "*the probationary discipline*," (to identify it with the discipline of the Model Prison, Pentonville,) it being, in their estimation, sufficient for them to assert such "*failure*," to receive unqualified belief. We are, however, not disposed to be quite so submissive as to be satisfied, by "*a glance*," of the correctness of such affirmations; we have ventured to examine for ourselves, and give the result of such inquiries from official sources, and which exhibit, in some degree, the knowledge of the *Times* upon the question to which their table refers, and whether their deductions are worthy of regard. We feel it needless to remark on the discrepancies of the *Times* and the official averages from 1837 to 1840, and continue our quotation from the Reports to 1843.

Official.

1841		347	1842		342	1843		332
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We have adopted the same mode of illustration in connection with the Eastern Penitentiary which the *Times* have done, to show, even upon the principle enforced by that Journal, their own assumption is not borne out, when "*the average number*" within that penitentiary for 1836, was 360, and for 1843, we find it reduced to 332. Upon that evidence is "*conspicuous failure*" apparent?

The *Times* must, or ought to have known, that whilst it may be considered correct to form a data of mortality from "*the average number of prisoners*" in a penal establishment, it is exceedingly erroneous to bring forward such numbers as indicatory of the amount of "*committals*." "*The annual average numbers*" are controlled by periods of sentence, the "*committals*" by actual convictions. To assist the *Times* to a better understanding of this section of the subject, we may inquire:—Would "*the average number of prisoners*" found at any given period at Newgate, or Cold-bath Fields, Clerkenwell, furnish accurate information regarding the annual amount of "*committals*" to these places of penal detention?

On the occasion of a late inspection of Newgate, 5th April, 1843, (7th Report of Inspectors of Prisons of Great Britain,) there were 370 prisoners. Commitments from January to December, 1842, 3836. At the House of Correction, Cold-bath Fields, 31st March, 1843, there were 1026 prisoners. Total number of committals from September, 1841, to September, 1842,—10,380.

Recurring to the statistical table furnished by the *Times*, would not the reader imagine that in 1830 the *erection* of the Eastern Penitentiary *was completed*, and that the *progressive* increase of committals, as shown by their figures, is an indication of the *increase of crime*, notwithstanding the alleged "*horrors of solitude*" in that institution.

In the Report for 1832 of the Eastern Penitentiary, it is stated,—"On or about the first of June, (1831), the preparatory arrangements were made by the architect and superintendent, by "fixing the levels, and laying out the foundation, of three blocks "of buildings, radiating from the centre (January, 1832). The "walls of the west and north-west blocks are above the ground; and

"that of the north, ready for arching as soon as the season will permit."

In the Report for 1833, difficulties are referred to as causing delay in completing the "three blocks."

In the Report for 1835. "We have cells completed for 311 prisoners. *We must expect to receive from the respective counties in the eastern district during the year 1835, at least 140 prisoners.* "It is expected that the new County Prison will be finished, "and be ready to receive prisoners by the 1st July; when those "in the Walnut-street Prison, sentenced to the County Prison, "will be removed there, *and we must be ready to receive the remainder.* On examination it is found that there will be at that "date 162 who were sentenced under the act of March, 1831; and "who must, upon *the breaking up* of the Walnut-street, Prison, be "received agreeably to the tenor of their sentence *into the Penitentiary*; then with the 140 to be received (from the county "prisons), and 218, the number we had on the 1st January 1835, "would give us 250; from this must be deducted those discharged "during the year, which will probably be above 100, and thus leave "us on the 1st January, 1836, 420 prisoners, *being 109 more than we have accommodations furnished for.*"

In the Report for 1836. "The average number in confinement "during the year was 266; of the number so received, *fifty-nine men and ten women* came from Walnut-street, on the 5th October, 1835, "all of whom had been sentenced to the Eastern Penitentiary, under "the act of 28th March, but confined in the Walnut-street Prison *until a sufficient number of cells should be furnished in this penitentiary.* The additional cells directed to be constructed have been "completely furnished and occupied, except the seventh, or south-western block."

In the Report for 1837. "The seventh range or south-west block, "containing 136 cells, *has been completed*, and is now occupied by "prisoners *from Walnut-street and the counties.*"

We make these extracts, which may appear tedious to the reader, in order to show, that although the numbers of inmates of the

Eastern Penitentiary have increased considerably, it should be distinctly kept in view, that the *drafting* of prisoners from the city and county prisons, allusion to which has already been made, *contributed greatly* to such increase, and cannot be considered as referrible to the *increase of crime*, as attempted to be insinuated by the *Times* ; but rather as making the Eastern Penitentiary a *new depository* for those who had been found guilty of the more atrocious transgressions.

We will, however, direct attention to additional tests also drawn from official sources, and thus present a contrast between assumption and proof ; this fact being indicated, that notwithstanding the increase of population during the intervening period, from 1836 to 1842, the salutary discipline of the Eastern Penitentiary is manifested *by its thus decreased number of committals*.

In the Report for 1841, the inspectors of the Eastern Penitentiary offer the following remarks :—"The decrease in the number of *committals and re-convictions* during the last year has been greater than in any previous year, and it augurs well of the influence of "our mode of punishment."

In the Report for 1842, the inspectors say :—"It may not be "irrelevant here to state, that of the whole number of prisoners "admitted to the Eastern Penitentiary since its organization, but "27 have been convicted a second time and sent back to it during "the past year ; of these 19 were white, and 8 coloured ; 11 out "of the 27 were on their first conviction sent to this penitentiary, "of these 9 were white, and 2 coloured ; and the other 16 were old "convicts who, by the contaminating influence of the former system "of prison discipline, are, it is feared, beyond the reach of the "benefits of the improved plan. This fact, as connected with "the operations and benefits upon society of the Pennsylvanian "system of solitary confinement with labour, speaks conclusively "in its favour, as one not only reformatory upon the prisoner, but "a preventive of crime."

In the Report for 1844, there are some interesting references to the diminished number of committals.

A few remarks are offered by the Inspectors as introductory

to the subject ; they say :—"The inspectors cannot leave this part
 "of their report without expressing their satisfaction at the advancement of the people in moral improvement at a time when the
 "strongest inducements are held out to temptation and crime. Such has
 "been the prostration of industrial activity and its effects upon the
 "labouring classes of our citizens, *that an increase of crime* was to
 "have been expected, from those who deny the gradual improvement
 "of the people, from the public means used to effect it. The inspectors
 "believe the sanguine hopes of those benevolent minds who have
 "suggested and supported the operative causes of this public benefit
 "will be realized. They can at least point to the fact, that notwithstanding all the unfavourable combinations operating to depress
 "the demand for labour, and produce consequent distress and predispose to crime, yet there is at the present time 103 *prisoners*
 "*less than at the same period* of the year 1840. This fact speaks
 "in language *too plain to be misunderstood, and is the cause of congratulation* not only to the legislature, the inspectors, but the
 "people of the State."

This does not appear like "*conspicuous failure.*"

In order to show how devoid of truth are the assertions of the *Times*, we adduce another class of evidence and which embraces a wider range, including the operations of *three* Prisons of the State of Pennsylvania, from which it will be seen what reliance can be placed on the asseverations of the Journal alluded to with regard to this topic.

Dr. Varrentrapp has minutely investigated this head, the alleged increase of committals being an objection which he has ably combated, knowing the advantage taken by the opponents of separation from *the mere appearance of numbers*, without those attendant explanations which candour and fairness would dictate. "Let us
 "see," remarks Dr. Varrentrapp, "if, as the persevering adversaries
 "of individual imprisonment contend, the number of convictions or
 "committals increased in the State of Pennsylvania. In order to
 "judge of this question, we will not," the Doctor says, "take a few
 "isolated years of any one penitentiary, we will rather give the

“amount of the committals to all the penitentiaries of the State of Pennsylvania from the date of the opening of the Eastern Penitentiary.”

We now give the following interesting table of the number of prisoners annually sent to the respective prisons referred to, as further evidence upon the subject of “committals.”

CONVICTIONS ADMITTED INTO THE PENITENTIARIES OF PENNSYLVANIA.

Years.	PHILADELPHIA.		PITTSBURGH.	Total.	Annual Average.
	Walnut-street Prison.	Eastern Penitentiary.	Western Penitentiary.		
1829	249	9	43	301	318
1830	247	49	39	335	
1831	262	50	44	356	
1832	171	34	47	252	300
1833	141	77	68	294	
1834	191	118	48	357	
1835	”	148*	68	216	256
1836	”	143	53	196	
1837	”	161	45	206	
1838	”	178	56	234	234
1839	”	179	84	263	
1840	”	139	79	218	
1841	”	126	90	216	215
1842	”	142	67	211	

* “After deducting the sixty-nine prisoners removed 5th October, 1835, “from Walnut-street to the New or Eastern Penitentiary.” Dr. Varrentrapp could have made other references of numbers “drafted” from Walnut-street and the Counties Prisons, which increased the numbers both previous and subsequent to 1835.

Dr. Varrentrapp, with great propriety, makes the inquiry, "Is not this table sufficiently convincing? Will the opponents to separation require more than a gradual diminution in the convictions of 33 per cent. in the space of 14 years; whilst the population had increased $27\frac{8}{10}$ per cent. in 10 years? If the committals had only increased in the same proportion as the population, we should have had, for the years 1840 to 1842, an annual average of 440 convictions, instead of 215!"

Will the *Times* allow us to inquire whether they consider the foregoing testimony as an evidence of the "*conspicuous failure*" of the probationary discipline, where it "*has been longest tried*;" will they not be compelled to admit, that the contrary is most "*conspicuous*"?*

We leave the statements we have made to the judgment of our readers to determine the truthfulness of the confident declaration of the *Times*, regarding the failure of the Separate System, alleged as arising from the increase of committals to Separate System Penitentiaries. We ask of what value are such declarations?

Before we advance further, it may be interesting to the *Times*, to be made acquainted with the degrees of crime for which the various classes of criminals have been convicted, and were under sentence, at the Eastern Penitentiary, on the occasion of the visit of

* In the *Times* of April 6th, 1844, we find a reiteration of their fallacies upon "committals." After referring to re-committals in this country, and which we shall notice in course, they remark:—"In the United States, however, the evidence on this subject is more abundant, and beyond all question decisive. As we published certain returns made by the inspectors of the New Penitentiary, in New Jersey, upon that institution and running through a series of years, we shall merely refer to them at present as undeniable proofs that the Solitary System has not had any effect in diminishing crime, or even in keeping it in check."

Is "the evidence" produced by the *Times*, with regard to "committals, abundant and beyond all question decisive?"—and furnishing "undeniable proofs that the Solitary System has not had an effect in diminishing crime?"

Let the official documents we have quoted testify.

the Legislative Committee, in 1838; such statement presenting somewhat of the general characteristics of the inmates of the institution ! They were as follows :—

Assault and battery.....	2
Concealing the death of bastard child	1
Manslaughter	7
Misdemeanor	2
Cheating by false pretences	2
Receiving stolen goods	4
Robbing the letters from the mail	1
Robbing the mail.....	1
Robbery	16
Larceny	193
Larceny and breaking prison	1
Perjury.....	4
Arson	4
Arson and larceny	1
Arson, larceny, horse stealing, and breaking of prison....	1
Horse stealing.....	12
Horse stealing and larceny.....	6
Engraving bank note plate.....	1
Selling counterfeit money	2
Passing counterfeit money	11
Forgery	11
Forgery and horse stealing.....	1
Burglary	53
Burglary and larceny.....	10
Assault and battery, intent to rob, and burglary.....	3
Assault and battery, intent to rape	4
Rape	6
Assault and battery, intent to kill	11
Assault and battery, larceny, and intent to kill	1
Assault and battery, intent to commit rape, and kill.....	1
Attempt to poison	1
Poisoning.....	1
Murder.....	11

These are the various classes of criminal inmates which may be found within the walls of the Eastern Penitentiary, and for whom the extraordinary sympathy of the *Times* is excited.

In perusing such a catalogue of deeply aggravated offences, none will know better than the *Times*, that in many of the European countries, and even in our own, several of the crimes would have been expiated only at the hands of the executioner; and a very large proportion would have had to linger out a miserable existence under the extreme suffering of a penal settlement. As to the alternative most in accordance with the principles of enlightened humanity, whilst the claims of justice are not compromised, we will leave it to the *Times* to determine.

It is next in order to notice the garbled and partial statement made in the *Times*, under date November 29th, 1843. Passing by the reference to Mr. Dickens' Notes, (a work of no authority on prison discipline) it is said by the *Times*, "*We shall, however, deal not with fictions, be they impressed ever so strongly with the features of reality, but with incontrovertible facts, deposed to by witnesses of unimpeachable veracity. Who that has read can ever forget the evidence on this subject, which Messrs. De Beaumont and De Tocqueville elicited from the captives in the Eastern Penitentiary?*"

The *Times* give the following quotation: "*One of them stated that, at first, solitude seemed to be horrid.*"

Messrs. De Beaumont and De Tocqueville thus cite the case; "No. 52. Age 39. Is in a state of relapse, has been formerly in Walnut-street prison; says, that that prison (on the congregated system) is a shocking place; one cannot leave it honest. *If I had been at first in the Eastern Penitentiary, I should not have committed a second crime.*"

Question.—"Have you accustomed yourself easily to solitude?"

Answer.—"At first solitude seemed to be horrid; gradually I accustomed myself to it, but I do not believe I could live here without labour; without labour there is no sleep."

"This person has been nearly a year in prison, and enjoys good

health." Will this case, *fairly* given, be considered as militating against the separate system? The testimony is certainly *against the congregated system*.

The second case is thus quoted by the *Times* :—

"*Another stated, the discipline of the Penitentiary was very severe, particularly at the beginning.*"

The *entire* case is as follows :—"No. 50. 37 years old. In relapse; paints energetically the vices which prevail in Walnut-street, (congregated system) where he has been confined."

The prisoner continues, "If they had put me here for my first crime, I should never have committed a second; but one always leaves Walnut-street worse than he enters it. No where but here is it possible to reflect."

Question.—"But the discipline is very severe?"

Answer.—"Yes, sir, *particularly at the beginning* :—During the first two months, I was near falling into despair; but reading and labour have gradually comforted me."

"The prisoner has been twenty months here; health excellent."

It will be seen whether the last case quoted is condemnatory of separation.

A third case is presented, as exhibiting another specimen of honesty in quotation by the *Times*.

"*A fifth, aged 25, remembered that during the first months of his solitude he was often visited by strange visions. During several nights in succession, I saw, among other things, an eagle perching at the foot of my bed.*"

Here the extract given by the *Times* terminates; the remainder thus continues :—"But at present I work, and am accustomed to this kind of life; I am not any longer troubled with ideas of this kind."

A weeping example is given, which it is unnecessary to notice. The *Times* proceeded with the cases :—

"*The Rev. T. Larcombe, the chaplain of the Eastern Penitentiary, furnishes us with another and more appalling declaration from a prisoner :—'On finding myself suddenly in a solitary cell, I was terror-struck with the idea, that God had come out against*

"me to destroy me. *For some time I could not sleep at night.*"
 "Can we wonder, then, (remarked the *Times*,) that the first cry of
 "such a despairing wretch is for employment, no matter what it be,
 "to prevent him from devouring his own heart, and from going
 "raving mad? Well—work is given to this confined living man."

Whether the *Times* are justified in thus attempting to work upon the feelings of the public, by the allusion of the "*despairing wretch*," crying "*for employment*," to prevent him from "*devouring his own heart—and from going raving mad*," and whether "*work*" was given to this declared "*confined man*," will appear from the case being given literally from the Rev. Mr. Larcombe's Report:—"No. 368, "has been (says the revd. gentleman), from my earliest acquaintance "with him, an object of peculiar interest. He was a young man, "the son of pious parents, and had been in prison nearly five years. "From the commencement of his imprisonment, he gave promise of "being benefited by the instruction occasionally enjoyed there. He "said, 'When I first came to prison, I was led to reflect with pain "on the past year of my life, and my rapid transition from bad to "worse. *On finding myself suddenly in a solitary cell, I was "terror-struck with the idea that God had come out against me to "destroy me. For some time I could not sleep at night; but tried "to gather instruction and hope from my Bible, which I endeavoured "to read by moonlight in my cell. But I sought and obtained mercy.*'"

The worthy chaplain further observes upon this case; "The last "two years he had been premonished of death, by consumption; "and, in a remarkable degree, has exhibited those fruits of the "Spirit which distinguish the Christian character. When I gave "him the first intimation of his approaching death, his countenance "was lighted up with a smile of pleasure; and he replied, 'Though "I feel a natural desire to live, yet the Lord knows what is best, "and I desire that His will may be done;' immediately adding, 'I "have no concern about this world.' He afterwards prayed earnestly "to the Lord to perfect His work in him, and fit him for heaven. "He next prayed for the warden, inspectors, overseers, and then "very fervently for his fellow prisoners, expressing a desire that

“the means of improvement enjoyed might promote their salvation. He possessed a uniformly tranquil and assured hope of acceptance with God, through the merits of the Redeemer; frequently expressing a desire to depart. After remaining five days unable to speak, he so far revived as to give an assurance that he was happy and ready to die.”

This is the “*despairing wretch*”—the “*heart-devouring*”—“*raving mad*” case—the “*the cuffed living man*”—to whom the *Times* assert employment was given as an alleviation to solitude.

It is impossible to express in sufficient terms of reprobation, the wicked colouring given to this case by the *Times*, to suit their own purpose, and their attempts to prejudice the public mind. And this is the mode in which they deal with alleged “*incontrovertible facts*” said to be “*deposed to by witnesses of unimpeachable veracity*,” to give weight and importance to their fallacious misrepresentations.

We might quote several examples, the results of Messrs. De Beaumont and De Tocqueville’s examinations of the prisoners in the Eastern Penitentiary, favourable to the principle of separation; we will, however, state one only, that of a physician convict, and being a professional opinion, it is worthy of notice.

“No. 00—was a physician; has the charge of the pharmacy of the Penitentiary. He converses intelligently, and speaks of the various systems of imprisonment, with a freedom of thought which his situation makes very extraordinary. The discipline of this Penitentiary appeared to him, taken in its entire operation, *mild*, and calculated to produce reformation. ‘For a well educated man,’ he says, ‘it is better to live in absolute solitude, than to be thrown together with wretches of all kinds. For all isolation favours reflection, and is conducive of reformation.’”

Question.—“But have you not observed that solitary confinement is injurious to health? In your quality of prisoner and physician, you are more able to answer this question than anybody else.”

Answer.—“I have *not* observed that, on the whole, there are here more diseases than in society. *I do not believe that people here feel worse as to health.*”

After such testimony, it might appear superfluous to add any remarks of our own, but we may be allowed to mention that, on two visits to the United States, we had, when at Philadelphia, repeated opportunities of intercourse with the inmates of the Eastern Penitentiary. We visited them alone, with the chaplain, and with the principal officer of the institution; and all our conversations with the prisoners, with one exception, were only confirmatory of what has been stated as the evidence of legislative commissioners, inspectors, chaplains, physicians, wardens, European government commissioners, and literary travellers, regarding the beneficial influence of the separate system, and a marked preference of prisoners themselves for that discipline. We return for a moment to this exception:—A stranger had been requested to conduct the religious services of the Sabbath, in one of the corridors; and upon after visitation to some of the cells, a conversation took place with one of the male convicts; reference was made to the subject which had been brought under their notice, which was,—the folly and inevitably evil consequences of a career in crime, with the encouragements that were presented to the repentant to turn from their corrupt ways to the paths of integrity and uprightness. This man remarked, "I do not believe a word that has been said." The Bible was disregarded by him, all topics of a solemn nature he treated with contempt; the past, in his estimation, appeared to furnish no matter for serious reflection; with the present he was dissatisfied, and as to the future he seemed to look forward with no hope. This man was an Atheist.

This is the exception, in which the moral influence of the discipline of the Eastern Penitentiary was apparently unavailing. In a subsequent communication from the excellent chaplain of the prison, reverting to this exceptive case, it is observed;—"His term is nine years; above six have passed away. He remains firm in health, and firm in infidelity: I have no hope of change." This man did not like to be alone. Seclusion to *him* was a burden. What a contrast is here presented to that of the "*despairing wretch*," the illustration of the *Times*!

In our preceding strictures we have endeavoured to analyze and to refute the main objections of the *Times* to the adoption of the Separate System in this country, from its alleged mental and physical influence in the United States penitentiaries. Has not that Journal by broad assertions maintained that the Separate, denominated by them the Solitary System, induces insanity—that it has proved injurious to health—that it has augmented mortality—that it has not only, not deterred from crime, but that convictions have increased under its operations?

Without lengthened remark upon their bold assertions, we inquire, have they proved one of their allegations? Do the official documents and the testimony of "*unimpeachable veracity*" which we have quoted, support such propositions?

We are unwilling, by any epithets which we could employ, strongly to condemn the manner in which the *Times* have conducted the argument upon prison discipline; but may we not with justice observe, that the evidence which that Journal has brought forward, is but one tissue of fallacy and misrepresentation; partial in its nature, and deceptive in its general tendency.

For the present we leave our notice of Transatlantic penal institutions, and follow the sophisms of the *Times* in their remarks upon the effects of separation in this country, more particularly with regard to re-convictions. In the *Times* of April 6th, 1844, we find an attempt to show the futility of separation as a system of penal treatment. They desire to have a general return of the numbers of persons "re-committed in the last year," 1843, under the ordinary mode of discipline adopted in Great Britain, in comparison with the number of persons who were in solitary confinement.

"*The only return,*" remark the *Times*, "*which we have upon the subject is from the House of Correction at Preston, Lancashire.*"

We may appear to regard the subject of the treatment of criminals, considering it, as we do, an important branch of moral science, with undue seriousness, but we cannot withhold our remarks upon the levity with which they speak of it in that article, and the derisive allusion made to those who favour the adoption of individual imprisonment.

The Report of the Rev. Mr. Clay, the chaplain of Preston Gaol, furnishes the *Times* with an occasion of showing their continued hostility to the system there prosecuted, and introductory to presenting a table from that report, say, referring to its results, that it "is *certainly not very satisfactory for the partisans of the Solitary System, although we have no doubt that they will crow like chan-ticleer*" (a favourite simile of the *Times*). The following table is then subjoined.

AGE.	Sentenced to ordinary Imprisonment in the four years ending July, 1835.			Sentenced to Solitary Confinement in the four years ending July, 1843.		
	Sentenced.	Re-com-mitted.	Per Centage of Re-com-mittals.	Sentenced.	Re-com-mitted.	Per Centage of Re-com-mittals.
Under 16	87	29	33·3	129	40	31
16 to 20	251	72	28·6	174	24	13·8
21 to 30	318	45	14·1	131	17	13
31 to 40	161	23	14·3	56	2	3·6
41 to 50	83	9	10·8	15		
51 and upwards	68	16	23·5	5		

The *Times* offer no observations upon these statistics, but leave the reader to scrutinize their results. We, however, furnish the following analysis of the per centages in favour of isolation over the ordinary mode of imprisonment, as exhibited in six classes referred to in the table :—

Under 16 years	2·3
16 to 20 „	14·8
21 to 30 „	1·1
31 to 40 „	10·7
41 to 50 „	10·8
51 and upwards	23·5

Or a total of 63·2 per cent. in favour of the Separate System. ✓

Upon the results of the table quoted by the *Times*, the excellent

chaplain of the Preston Gaol, whose long experience in prison matters entitles his observations to respect, remarks: "The value of separation as a leading principle in reformatory discipline may be more satisfactorily evinced by the test of figures, and by a strict comparison between the re-commitments under the ordinary imprisonment, and those which have taken place with respect to prisoners subject to separate confinement. The table furnishes the means of comparison, and shows that with regard to criminals between 16 and 20 years of age, the favourable difference in re-committals is 15 per cent. ; that among prisoners between 31 and 40, the rate of relapse has come down from 14·3 to 3·6 per cent. ; and there are *no cases* of recurrence to crime amongst those placed in separate confinement whose age exceed 41."

From this evidence it is that the *Times* attempt to give a colouring of failure to the system of separation, observing "*that it is certainly not very satisfactory for the partizans of the Solitary System.*"

We might inquire what per centage of diminution of re-committals would have been "*satisfactory*" to the *Times*, and why have they suppressed the favourable testimony of the Rev. Mr. Clay, as they must have had the official document before them from which they extracted the table; but it did not comport with their views to make an impartial statement of the facts of the case, as exhibited in the Rev. gentleman's Report. The *Times* might also have added the following sentiments of the chaplain:—"Four years have now gone by since a modified plan of separate confinement towards a certain portion of prisoners convicted at the sessions. In former reports I have expressed a high opinion of the value of that mode of discipline,—defective in its details, and limited in its duration as it necessarily was. The experience of the last twelve months *strengthens the views I have previously taken*; I am more and more assured that seclusion from other prisoners, inviting as it must do, generally, thought and reflection, relieved by frequent exercise, solaced by daily attendance at the chapel service, and by the visits of the chaplain and schoolmaster; in all cases where the

"tendency to crime has not become rooted, presents the most efficient means for the reformation of criminals."

Can the *Times* say that there is "*conspicuous failure*" of the working of the Separate System at Preston?

With regard to the use made by the *Times* of the table they have quoted, we are reminded of the following remarks made by M. De Tocqueville, in the Academy of Moral and Political Sciences, as applicable to a distinguished opponent of the Separate System on the other side of the channel, when alluding to the operations of the Separate System in the United States, and who appears to possess, with the *Times*, a kindred mode of dealing with numerals:—
 "Ici M. Lucas se met en vérité fort à l'aise; il adopte le rapport
 "Américain, quand il lui est favorable, et il le repousse dès qu'il
 "est contre lui. C'est la vérité même quand il lui fournit des armes;
 "c'est une œuvre de mauvaisé foi dès qu'il ne feut s'en servir. Cette
 "manière de raisonner ne saurait être admise."*

The *Times*, in their Preston Prison statistics, even excel in skill M. Lucas, for they attempt, by the quotation of figures, to represent them as making against the adoption of Separation, whilst, in point of fact, the numerals they cite support the very system they denunciate.

We furnish the following from an official document just published;† it is the opinion of a distinguished visitor upon the discipline at the prison under notice, and entered in the visitor's book.

"J'ai visité avec d'autant plus d'interêt la maison de détention de
 "Preston, que je m'occupe des questions relatives à l'amélioration
 "du Système Penitentiare en France, et que j'ai trouvé ici d'utiles
 "enseignements dans la manière dont cet établissement est tenu et

* With M. Lucas the real facts of the case seem to be mere matters of convenience; he adopts the American Report when it is favourable to him—he rejects it when it opposes him. It is truth itself when it furnishes him with weapons, and is not to be believed when it can no longer serve his purpose. This manner of reasoning can not be admitted.

† Report. Chaplain of Preston Gaol, 1844.

“dirige. L'expérience du système d'encellulement de jour et de nuit paraît établi de manière à amener les plus heureuses résultats.

“HORACE SAY,

“Membre du Conseil General du Department

“du la Seine.”*

To exhibit further proofs of the unsatisfactory results of the separate system with regard to re-committals, its operations at Glasgow are brought under notice by the *Times* in the following terms:—“*If we go to Scotland, we find that at Glasgow, where the Solitary System is fully carried out, the re-committals are very numerous, and average, at least, 50 per cent.*”

Will the *Times* maintain, that the increase of re-committals at Glasgow, is attributable to the non-deterring agency of the “*Solitary System*” as there “*carried out,*” and that such “*re-committals average at least 50 per cent. ?*” A brief examination will show the accuracy of that Journal, and the continued mistaken manner with which they have also treated this part of the argument.

We have before us the following abstract of the number of committals and re-committals to the prison at Glasgow during the years ending 30th June, 1842, 1843, and 1844, and it will be seen whether, during these periods, our statistics agree with the average estimate given by the *Times*, and what credence can be attached to their statement:—

COMMITTALS & RE-COMMITTALS AT GLASGOW IN 1842, 1843, & 1844.

	Total number received, including cases of Re-committals.			Total number received, not including cases of Re-committals.			Proportion of Re-committals.			Per cent. of Re-committals.	Decrease of Re-committals.
	Males.	Femls.	Total.	Males.	Femls.	Total.	Males.	Femls.	Total.		
1842	2067	1250	3317	1796	1020	2816	271	230	501	17 $\frac{8}{10}$	
1843	2240	1277	3520	1833	968	2795	410	315	725	26	
1844	1796	1107	2903	1559	858	2417	237	249	486	20 $\frac{1}{10}$	5 $\frac{9}{10}$
	4039	2034	6423	3392	1820	5212	647	564	1211		

* “I have visited with so much more interest the House of Detention at Preston, being occupied with questions relative to the amelioration of the

From this table the following facts are deducible :—

Re-committals for 1842..... $17\frac{8}{10}$ per cent.

Re-committals for 1843.....26 “

Re-committals for 1844..... $20\frac{1}{10}$ “

The average per year, for the three years, is about $21\frac{4}{10}$ per cent., and not “*at least 50 per cent.*,” as asserted by the *Times*.

Decrease of Re-committals from 1843 to 1844... $5\frac{5}{10}$

Will the *Times* ascribe the diminution of near 6 per cent. in re-committals from 1843 to 1844, and the less average number of “nearly 100” criminals within the prison of Glasgow, (see Report, 1844,) to the beneficial effects of the “*Solitary System*” as there “*carried out?*” We will leave it to the *Times* to make their own inferences.

We think it not out of place at this point of the inquiry, and may be a matter of interest as a comparative result, to give the amount of re-committals in England and Wales for 1842, as contrasted with that of Scotland of the same date.

COMMITTALS AND RE-COMMITTALS IN ENGLAND, AND WALES,
AND SCOTLAND, FOR THE YEAR 1842.

	No. of Prisoners, including cases of re-committals.			No. of Prisoners, not including cases of re-committals.			No. of Prisoners re-committed during the year.			per ct.
	Males.	Femls.	Total.	Males.	Femls.	Total.	Males.	Femls.	Total.	
England and Wales.....	98975	25857	124832	73945	17025	90970	25030	8832	33862	37
Scotland.....	13329	7811	21140	11371	5591	16962	1958	2220	4178	$24\frac{6}{10}$

Thus it will be seen, that in “England and Wales,” where the

Penitentiary System in France, and having found here useful examples in the manner in which this Establishment is held and conducted. The experience of the cellular (or separate) system by day and by night appears established in such a manner as to produce the most happy results.

“HORACE SAY,

“Member of the General Council of the Department
“of the Seine.”

administration of legal relief is multiplied and abundant, a much larger proportion of re-committals is exhibited than in Scotland, where such relief is not afforded.

Had the *Times* been disposed to throw somewhat of humanity in their reference to Glasgow, attention might have been directed to the number of poor creatures who have, year after year, from extreme destitution, preferred the "*horrors of solitude*," under the "*accursed maniac-making*" system there prevailing, and they might have enumerated a class of "voluntary prisoners," many of whom implored the Governor of the Glasgow Bridewell to permit them to remain, under all the imputed severities of the discipline of the prison, rather than be exposed again to temptation and crime.

If the Eighth Report of the Inspectors of Prisons in Scotland had been examined by the *Times*, a leading article might have been bestowed to the cause of philanthropy, and they might have brought under public review, a melancholy amount of misery and destitution obliged to seek shelter within the walls of a gaol for want of that systematic legal relief which is to be found in our own country.*

We present the accompanying as an illustration of the fact now adverted to :—

	Males.	Females.	Total.
"Individuals previously convicted, but anxious "to abandon their former vicious career, who "were admitted to the prison of Glasgow, on their "own request, during the year 1842, after having "been unsuccessful in their endeavours to procure "employment, and reduced to the utmost desti- "tution."	1	20	21

* We will not permit ourselves, except by the most brief allusion, to enter upon the threshold of a subject (comprehensive, indeed, in its nature) that shall appear to divert attention from the great disquisition which it has been our aim in these pages to discuss minutely and distinctly, but we cannot fail being struck with a sentiment expressed by Mr. J. Wigham, member of the Prison Board, and who gave the succeeding testimony

	Males.	Females.	Total.
"Individuals permitted to remain, on their own "earnest entreaty, after the expiry of their sen- "tences, being for the most part new to crime, "houseless, friendless, and completely destitute of "clothes, without which it would be in vain to "apply for work on liberation"	6	33	39
"The number of persons whose crimes can be "traced to inability to find employment, applicable "to the year 1842, and none are included in "this table except those of whom there can be no "doubt that it was absolute want, and not incli- "nation, which drove them to commit the offences "of which they had been found guilty"	134	124	258
	141	177	318

Where, in our own country, can such a catalogue of penal misery be found?

Might not the *Times* have made the public acquainted with the deplorable influence which such destitution and suffering had upon the number of committals to the Gaol of Glasgow, where the "*Solitary System is fully carried out?*" And it may be observed, respecting the free-will inmates before referred to, that the General Board of Directors of Prisons in Scotland, have considered that "in the present state of the law there is no authority for applying the prison funds to the support of persons subjecting themselves to imprisonment," and they "gave instructions for the discontinuance of the practice." The Report continues:—"The result has unfortunately been to convert a number of persons into criminals, who had shown, by their unwillingness to give up their liberty, to work

under a late Commission of Inquiry:—"The impression on my mind is, }
 "that the Poor Laws, as administered in Scotland, are very much calcu- }
 "lated to fill our prisons." Will the *Times*, upon the principles of true
 benevolence, extend their inquiries upon this important topic, and ascer-
 tain how the cause of increase of crime mentioned, bears upon the amount
 of committals and re-committals to the penal institutions of Scotland?

“hard, to live on the plainest fare, and to submit to all the rules of
 “a prison ; that they were sincerely desirous of avoiding a life of
 “guilt, and of living peaceably and honestly. Nearly half of those
 “who had been thus ejected from the Glasgow Prison, have already
 “returned as offenders, and some of them under serious charges.
 “One of them, a girl of 13, who had much pleased the governor and
 “matron by her industry, docility, and good conduct, but who had
 “no good home or good parents to go to, was committed to the
 “prison within one month after she had been compelled to leave,
 “and is now under sentence of transportation. Several others are
 “known to be wandering about under strong temptations to crime.”

We think we have noticed sufficiently the state and causes of crime at Glasgow, and merely ask what case have the *Times* made against the “*Solitary System*” as there “*fully carried out?*”

There has been one fallaciously characteristic feature in connection with which the *Times* have attempted to mislead their readers upon the subject of prison discipline ; it is their studious and continued endeavour to confound (and consequently to mystify the subject) the Solitary mode of confinement as adopted in conjunction with the Silent System of prison discipline, a system generally prevalent in our gaols, and the unmitigated solitude of the prison cell, for prison misdemeanors, under the same Silent System, with the mode of discipline adopted at the Model Prison, properly termed the Separate System ; endeavouring to identify the peculiarities of the former, namely, unmitigated solitary confinement, and the “*dark cell*,” with the general modified discipline of the latter.

There is a striking exhibition of the disingenuous method of working upon the credulity of their readers also in the *Times* of the 6th April, 1844. After giving some statistical references as to the number of summary convictions—committals to sessions and assizes—numbers sentenced to solitary confinement—to transportation—with re-committals, amounting in all to 139,388, &c.,* the *Times* proceed:—“*The offences committed in our prisons* (the reader will mark in our

* Upon reference to the table, we think the *Times* will find in summary

"prisons), amount within the same year, 1842, to 65,969, which have been punished in various ways. We shall mention only two—imprisonment in dark cells and imprisonment in solitary cells. To the former 9,026, and to the latter, 15,310 persons were committed. We notice this latter fact, because it shows that with the 503 persons committed to Pentonville Prison, for 18 months' solitary confinement" (the reader will please to notice, as we proceed, the futile attempts of the *Times* to misinterpret their distinction) "previous to transportation; and with the 2,794 persons sentenced to the same punishment for more or less periods in the other gaols of England and Wales, no less than 18,507 persons have endured this torture within the year."

We ask the judicious reader, what he would understand by the allusions to the "dark cells," the "solitary cells" by the statistical calculations made, and the following observations offered?—"We notice this latter fact because it shows that WITH the 503 persons committed to the Pentonville Prison for 18 months to SOLITARY CONFINEMENT previous to transportation, and with the 2,794 persons sentenced to the same punishment, &c."

We here find the *Times* consistent with themselves on this subject, and, in a manner the most specious, attempting to blend the "torture endured" under solitary imprisonment for sentence, and the "dark cell" and the "solitary cell" for prison offences, as adopted in the gaols of England and Wales, under, we assert, the corrupting influences of the Congregated System; endeavouring to impress upon the mind of the public that they are one and the same, or identical with the Separate System of the "*Pentonville Prison*."

Difficult as we find it in our endeavours to dissect the sophisms of

of table No. 5, page 208, Eighth Report of Inspectors of Prisons of Great Britain, that the total number of committals to the prisons of England and Wales in the year 1842, was not 139,388; they have omitted to deduct the prisoners "in custody at the commencement of the year," 14,556, which they will perceive ought not to be included in the concurrent committals of the year quoted; making a difference of $10\frac{4}{10}$ per cent. less than their statement.

the *Times*, we will, however, essay to analyze this part of the subject, and we will begin, for example, with the “*dark cells*” and “*other punishments*,” as reported in connection with the Cold-bath Fields House of Correction, the discipline of that prison meeting with favourable consideration from the *Times*.

We find in the Eighth Report of the Inspectors of Prisons, Home District, table 21, page 136, that in the Cold-bath Fields House of Correction, there were the following number of punishments for offences *within the prison* in the course of the year.

MALES.	FEMALES.
“Hand-cuffs and Irons.. 34	“Hand-cuffs and Irons.. 57
“Whipping 19	“Dark Cells 479
“Dark Cells 1423	“Stoppage of Diet 4568
“Stoppage of Diet.....9918	“Other Punishments ... 200
“Other Punishments ... 220	
11614	5304

Making a total number of prison punishments of 16,918; and we might just remark upon the Tothill-fields Bridewell, or House of Correction, to which there is the following reference,—amongst other punishments, there is that of the “*solitary cell* :”—

“Males” 718
“Females” 170 — 888

Be it observed, the prisoners “*have endured the torture*” of this punishment, with the “*dark cells*” before quoted, *for prison delinquencies*, of the nature of which we furnish some examples as committed within that prison :—“Talking; neglect of work; damaging work or clothing; irreverent conduct in chapel; riotous, refractory, and disorderly; dirty conduct; theft; various acts of disobedience.”*

Such are the punishments, and these are the offences, conjoined with the operation of the Silent and Congregated System, with their “*dark cells*,” “*solitary confinement*,” and “*other punishments*,”

* Seventh Report of the Inspectors of Prisons, Home District.

which the *Times* are desirous to mix up with the general discipline of "*Pentonville Prison*," and thus to denounce it in public estimation.

Now let us for a moment examine the "*tortures*" which are endured by "*dark cell*" and "*solitary cell*" residents, under the Silent or prevailing system, in adoption in the gaols throughout England and Wales.

Taking the last and eighth Report, before alluded, to as our guide, we find in the summary of table 21, page 213, the "total number" of "*dark cell*" and "*solitary cell*" punishments are stated to be as under; as punishments for offences *within* the prisons in England and Wales:—

"DARK CELLS.

"Males.....	7807	
"Females.....	1219	— 9026

"SOLITARY CELLS.

"Males.....	12807	
"Females.....	2503	— 15310

Reference is also made to—

"HAND-CUFFS AND IRONS.

"Male	154	
"Female	80	— 234
"WHIPPING		180

"STOPPAGE OF DIET.

"Males.....	39144	
"Females.....	8374	— 47518

"OTHER PUNISHMENTS.

"Males.....	3246	
"Females.....	455	— 3701

Presenting a grand total of *prison* delinquency punishments:—

"Male	63338	
"Female	12631	— 75969

The reader unaccustomed to investigate this subject, or who may not have given it any particular attention, will naturally inquire,—What do these prison punishments mean?—what system of prison discipline can it be that should render it essentially necessary, in these days of enlightened benevolence and humanity, and may we

not say of enlarged intelligence upon the subject of the treatment of criminals, that we have *at this time* in our reports of prison discipline operations, "*hand-cuffs and other irons*," and that *women* have to undergo that mode of punishment?—That the "*whipping*," the "*dark cell*," the "*solitary cell*," and the "*other punishments*," the nature of which "*punishments*" the reader is totally unacquainted with, the inflictions included in this category, are enforced for carrying out and maintaining "*the open and humane policy*"* of Prison Discipline which the *Times* would fain represent as the model for imitation and perpetuation—the Silent or Congregated System which prevails at the present period "*in the gaols throughout England and Wales*."

In order to lessen the surprise of the reader, as to the necessity of such "*prison punishments*," we furnish an extract or two of the prison offences for which they are applied; insisting, as we do, that the very system that is so abundant in presenting opportunities, so productive in placing the criminal in circumstances to offend, *is more to be condemned* than the culprit who violates the prison laws under such a system; and that system is what is called the Silent and Classification or Congregated System.

Now, in reference to the offences, we cite the Cold-bath Fields House of Correction :†—

"OFFENCES INVOLVING STOPPAGE OF FOOD."

"Neglect of work	948
"Noise, talking, insolence, bad language	9652
"Various acts of disobedience and disorder ...	5788
"Other offences for which prisoners were put	} 420—16808
"into cells with or without work	

"OTHER PUNISHMENTS."

"Whippings with birch rod	15
"Ditto with cat-o'-nine-tails.....	4 — 19
"Irons (hand-cuffs)	91
"Solitary confinement	1902
"Other punishments" ..	14918—16918

* Vide *Times*, December 29, 1843.

† Seventh Report of the Inspectors of Prisons, Home District, p. 164

Thus much for "offences involving stoppage of diet," and "prison punishments."

We will give in detail a few more examples characteristic of not, what "*may be*" committed in the gaols under our present prevailing system of prison discipline, but what are being daily committed, and calling forth the summary punishment of the gaol.

The Clerkenwell New Prison.—The *Times* will know that the system of discipline there adopted is also the Silent and Congregated System.

"PRISON OFFENCES:—Noisy and refractory—talking in sleeping cell, and using indecent expressions—refractory and assaulting each other—irreverent behaviour in chapel during divine service—indecent conduct—imprinting indecent figures on a table—making a great noise in his cell, and using abusive language—assaulting a prisoner—noisy in chapel and interrupting the service—stealing a handkerchief from the person of a prisoner—selling his waistcoat—stealing a loaf from a prisoner, &c."*

We could proceed with giving quotations page after page of prison delinquencies from the prison records of various Silent System Penal Institutions in England and Wales, dare we intrude on the time of those under whose notice this may come, but this will suffice, we presume, to exhibit the nature of the offences inevitable to the congregation of deeply depraved and criminal minds, and amongst whom will be found the tainted with every degree of guilt.

We will turn to the operations of the "*Pentonville Prison*," with regard to the "*torture*" of "*solitary confinement*" there "*endured*."

We ask the *Times* whether the prisoners of the Houses of Correction, Cold-bath Fields and Tothill Fields, or "*any other*" of the "*gaols of England and Wales*," subjected to the "*solitary cell*," or the "*dark cell*," or those sentenced, "*for more or less periods*," to "*solitary confinement*," have to "*endure*" the "*torture*" of two entire days' in the week instruction in the following rudiments of education:—reading, writing, accounts, scripture, geography, English

* Sixth Report of the Inspectors of Prisons, Home District.

grammar, mensuration, some knowledge of the elements of philosophy, and sacred music, with opportunities for reading and reflection, in a well-lighted, well-aired, well-ventilated apartment.

Will the *Times* inform their readers in what gaols in England and Wales prisoners "*have to endure the torture*" of these moral and intellectual advantages?

If the *Times* will pay a visit to the Model Prison at Pentonville, they may find the "*tortures*" of which we have spoken *are* "*endured*" by prisoners in that establishment.

Will the *Times* acquaint their readers with the nature of the employment of the inmates of the "*dark cell*" and the "*solitary cell*" of the Cold-bath Fields and the Tothill Fields, and the other "*dark cell*" and "*solitary cell*" occupants in the other Silent System gaols "*in England and Wales,*" what amount of carpentry, of joinery, of shoe-making, of tailoring, of rug-weaving, mat-making, and weaving?

Will the *Times* communicate to their readers how much exercise per day the aforesaid occupants of the "*dark cell*" and the "*solitary cell,*" and those sentenced "*for more or less periods*" to "*solitary confinement*" within the Silent System gaols in England and Wales, are permitted to enjoy, to alleviate the gloom of the "*dark cell*" and the loneliness of the "*solitary cell*?"

Will the *Times* tell their readers how often the before-mentioned occupants of the "*dark cell,*" and the "*solitary cell,*" &c., are seen responding to the bell for prayers, to engage in the daily devotions of the chapels to the prisons?

Will the *Times* certify to their readers the nature of the "*dark cell,*" and the "*solitary cell*" diet with which their possessors are furnished, how much chocolate for breakfast, how much animal food, and other nourishing aliment for dinner, and what the supper diet?

Will the *Times* convey to their readers, how many visits the inmate of the "*dark cell,*" and the "*solitary cell,*" &c., receives from the Chaplain, the Warden, or the other officers of the prison?

Will the *Times* state to their readers, how often the "*dark cell*" and the "*solitary cell*" inmates, whilst under that mode of Prison

Discipline, and those sentenced "*for more or less periods*" to "*solitary confinement*," are allowed to write to their friends, or to reciprocate sentiments of kindred feeling or friendship, how often to see and converse with relations or friends?

If the *Times*, professing, as they do, to feel so intense an interest in the condition of the inhabitant of the "*dark cell*" and the "*solitary cell*," will give an answer to these queries, if they put their readers into possession of *the real facts of the case*, they will be compelled to state that the dweller in the "*dark cell*" and the "*solitary cell*," and those who "*are subject to*" "*solitary confinement*" "*for more or less periods*" within the Silent System Gaols in England and Wales, are *total strangers* to the moral and intellectual education which we have pointed out, and to other modifications and alleviations connected with the operations of the discipline adverted to, such as employment, exercise, to the devotions of the Chapel, and to the diet which we have mentioned; but being subject to such a discipline and such a treatment, are the "*tortures*" which are "*endured*" by the declared "*solitary cell*" inmates of the "*Pentonville Prison*."

Will the *Times* announce to their readers, the number of offences in the "*Pentonville Prison*," for which the following penalties are inflicted, the "*hand-cuffs and other irons*," the "*dark cell*," the "*solitary cell*," and "*other punishments*?" The reader will bear in mind, that the "*tortures of solitary confinement*" endured by the "503" are *included* in the "*tortures*," alleged by the *Times*, as "*endured*" by the prisoners in the "*Pentonville Prison*," and the "*other Gaols in England and Wales*."

We are aware the "*dark cell*" may be found at the "*Pentonville Prison*;" we are also aware, that, with such a criminal family, there may be found some refractory and disobedient members, and the Annual Report of that Prison may present a number of prisoners, more or less, as subjected to the "*dark cell*;" but we assert that the *Times* were in possession of *no official document* which enabled them to include the inmates of "*Pentonville Prison*" as having been subjected to that punishment.

On the occasion of one of our visits to that institution, we saw these places for prison delinquents; they were *then entirely unoccupied*, and we were informed that two months had elapsed, and there had not been any confinement in the “*dark cell*,” such had been the orderly conduct of the inmates of the prison; and it may be information to the *Times* to learn, that comparatively rarely has that mode of punishment been resorted to, that it is not in the power of the Governor of that Institution to inflict more than three days of solitary confinement in the “*dark cell*,” (and which is the extreme punishment of the prisoner,) without the sanction of Her Majesty’s Commissioners; whilst the reader will remember the unjust attempts of the *Times* to denominate the general discipline of the Model Prison, and the probationary term of confinement there of eighteen months, as “*solitary confinement*.” We will give the testimony of one of the inmates of the Model Prison regarding the alleged “*tortures*” which the convicts “*endure*” in that establishment.

At an inquest held on the 8th December, 1843, he is interrogated upon the general operations of the system of Separation adopted in the Pentonville Penitentiary, and the convict remarks:—“Is visited “three or four times a day by Warders and his instructors; has a “bell in his cell which he can always ring when need occurs, and is “always answered at once; has an hour’s exercise a day, and gas to “read by till 9 o’clock at night; is always in good health; is 28 “years old.”

Will the *Times* obtain evidence from the inmates of the “*dark cell*” and the “*solitary cell*,” or from those who have been subjected to “*solitary confinement for more or less periods in the Gaols of England and Wales*,” affirmation corresponding with the following, in which they will declare there is “nothing which could “be found fault with,” with expressions of satisfaction from the occupants of the “*dark cell*” and the “*solitary cell*,” that they have “quite a sufficient quantity of food, warm clothing, warm sleeping “places,”—that such inmates, under the discipline of the “*dark cell*” and the “*solitary cell*,” are “greatly improved in reading— “are instructed in trades,” which will “be of incalculable benefit to

"them" when their "*dark cell*" and "*solitary cell*" confinement expires, and they go again into the world. At the Model Prison employment is "looked upon as a recreation, and not a punishment," where they exercise "in the open air, walking in the paths, or working in the grounds at intervals during the day."

These are the "*tortures endured*," as given in evidence before a second inquest at the "*Pentonville Prison*."*

We contend, that by the perpetuation of the Congregated System, circumstances are *created*, under legislative authority, for the moral corruption of the inmates of our gaols, the same legislative authority following up, by penal infliction, results inevitable to such a creation of circumstances; the very laws of intercourse will clearly demonstrate that influences the most debasing must be the natural consequence of sanctioning and permitting depraving associations; that the very offences to which we have but briefly referred, are the natural result of the circumstances created by such a system. And whether it be humanizing or philosophical to visit, with condign punishment, offences committed under such created circumstances, we will leave the intelligent reader to determine; but will it not be more in accordance with the principles of benevolence and humanity, to remove the *cause*, that the effect may cease? And we further maintain, that until the prisoner be removed from the demoralizing amalgamation of such communion, these consequences will not cease; and the "*dark cell*," and the "*solitary cell*," and the "*hand-cuffs*" and "*irons*," must be the unavoidable recourse for the punishment of prison offences, we fear *but feebly* their prevention. Where, then, is the alternative *but separation* as a salutary antidote to *prison crimes*, and a necessarily lessening of prison punishment? Even this, the prevention of "*prison crimes*," we conceive, is but a partial benefit derivable from separation.

Upon the laws of intercourse the enlightened Lieber forcibly observes:†—"Whenever two individuals, whose prominent actions have

* Vide *Times*, April 11th, 1844.

† Popular Essay on Subjects of Penal Law.

“been produced, or strongly affected by the same vital impulse, “come in contact, *they impel one another in their career, with still “greater force and rapidity.* If the brave meets the brave, the “adventurer with the adventurer, the devout with the devout, the “student with the student, the patriotic with the patriotic, the artist “with the artist, the debauched with the debauched, the miser with “the miser, the criminal with the criminal, *the vital element of their “respective actions will be increased in intensity by their inter- “course.* If you bring two evil-disposed persons, especially two “individuals whose presence in the prison *points out crime as a “prominent feature in their life,* and if in both there was, before the “contact, a certain and equal degree of criminality, this criminality “will have greatly increased after the contact, because they, as all “other men, good or bad, *will propel each other in that line which “is characteristically their own.* It is easy enough to understand à “priori what experience, *without a single exception,* proves, with “frightful facts, that nothing can be more baneful to criminals, than “their close contact with one another, freed as it is, in prison, from “all those intervening occupations and distractions which the variegated life out of the walls of the prison always must offer. The “prisoner shows to his fellow-prisoner, by the fact that they meet “in that place, that *crime* has brought him there, as criminals they “meet, and *as criminals* they commune with one another. It is “this baneful effect of intercourse which, in penology, is called “contamination,—an effect which, however easy to understand on “general psychological grounds, nevertheless far outstrips all imagination of the virtuous who have not made these matters a specific “object of study.”

In order to exhibit these abounding evils it is that we are desirous, in our present analysis, to bring under review, in the most intelligible form, the real operating principles of action generally adopted in our Penal Institutions, and for which the *Times* have proposed *no moral remedy.*

To show the continued animus of the *Times* against what they term the “*solitary system,*” and their persevering attempt to pre-

judice the public mind, we cannot omit noticing their leading article of April 11th, 1844, and will only refer to that composition as it alludes to the County Prisons of Gloucester; and, in our view, is further exhibitory of the very partial manner in which the *Times* have adverted to the subject. Their readers are informed, that it is the intention of the magistrates "*to enlarge and improve the County Prisons at Northleach, Lawford-gate, and Little Dean, and to devote them to the confinement of untried prisoners and of prisoners sentenced to imprisonment, with or without hard labour, for any period not exceeding three months.*" The determination "*to enlarge and improve the County Gaol at Gloucester,*" is also intimated, a gaol "*which was built under the superintendence of the late Sir George Paul, on principles and for purposes not very unlike those adopted at the Model Prison at Pentonville.*"

The Secretary of State for the Home Department had proposed the erection of a new County Prison, upon an extended scale, to afford penal accommodation for the *general* commitments of the county, thus abandoning all other prisons, "*and to consolidate them in one prison.*"

This proposition has been rejected, first, on account of the alleged expense; "*and, secondly, because they (the magistrates) doubt the superior efficacy of the principle on which the Government wishes the prisons of England to be conducted in future.*" "*We consider this,*" remark the *Times*, "*to be no slight admission on the part of the magistrates of Gloucestershire; for their county was the first in England in which the cruel experiment of Solitary Confinement was tried, and their practice has always hitherto been cited as a proof of its success.*"

With a view, however, of denouncing the principle of action adopted at the Gloucester County Prison, the seventh Report of the Inspectors, for the southern and western division, is quoted regarding cases of insanity, which are stated to have occurred during the year 1841, and the evidence of the Surgeon is thus given—"*The only predisposing cause which he could imagine or discover was the lengthened solitary confinement to which many of the*

"prisoners were subjected whilst undergoing the sentence of the law. Though he asserted, (continue the *Times*,) that this cause (solitary confinement) had NOT operated in the cases of insanity which had been reported to the Chairman, he, (the Surgeon) nevertheless, admitted to Dr. Hawkins, that he had repeatedly seen an extreme depression of the nervous system supervening in men accustomed to rural labour, even after a single day's submission to this inhuman torture." And to give additional strength to their representations of the assumed effect of solitary confinement, the *Times* bring to their aid evidence of the keeper of the prison, as stated in the fourth Report for that district, who "declared to the same functionary, that those who underwent it were never the same men as before."

The reflections which the *Times* offer upon such declaration, are as follow :—"Facts like these may produce no impression for a time, but ultimately they become trumpet-tongued, and abuse and oppression disappear before them."

Although the *Times*, with apparent seriousness, endeavour strongly to impress the minds of their readers with "trumpet-tongued" facts as to the effects of "solitary confinement whilst undergoing the sentence of the law," we may inquire :—Do they by the preceding evidence mean to assume there is anything condemnatory either to the discipline formerly in operation at the Gloucester County Prison, or as having any reference to the System at present adopted at the Model Prison, Pentonville ?

How were the prisoners subjected "to the lengthened solitary confinement for sentence," as referred to in the Report for 1841, employed ? What was their daily exercise ? What their opportunities for moral and intellectual improvement ?

Did the prisoner "accustomed to rural labour" in the course of his "single day's submission to the inhuman torture" of solitude know anything of the melioratives of employment, exercise, and instruction ? And was it under such treatment that there was the "extreme depression of the nervous system" and "that those who underwent it were never the same men as before ?"

We cannot but refer to the uninviting nature of a subject which we may appear to be obtruding upon the public regard, and an exclamation may escape the casual reader,—“Why so much ado about this question?”

In furnishing the lengthened extracts, with remarks which we have offered, on the provincial Gaols before adverted to, we may seem to be making too much of apparent trifles in giving such distinction to the notice which the *Times* are pleased to take of the Gloucester County penal establishment, with their observations upon Sir George O. Paul's magisterial connection with that county, and the “*cruel experiment of solitary confinement*” which was “*there tried* ;” but we scruple not to affirm, that there is more in the intent of the *Times* by such reference, than would, at “*a glance*” appear to the ordinary reader.

There is, in the advertence of the *Times* to this Gaol, not only an insidious attempt to prejudice the public mind against separate confinement, whilst there is the further attempt made, to mingle solitary confinement which has been pursued at Gloucester, as noticed in the *Report for 1841*, with the system “*adopted in the Model Prison at Pentonville*.”—We must submit to be charged with tediousness in our endeavouring, with all possible brevity, to expose the sophistry of the *Times* in the allusions which they have made as to the imputed effects of the solitary confinement formerly in operation at the Gloucester County Gaol.

The preceding remarks are introductory to what we would consider a correct view of the case with regard to the discipline of the County Gaol at Gloucester, in Sir George O. Paul's time and his connection with that penal institution, and the *Times* will permit us, doubtless, to present our statement, and to propose our inquiries. The excellent man to whom they have referred, Sir G. O. Paul, was contemporaneous with the devoted Howard ; and as the latter was distinguished for the melioration of prison miseries, the former, in his degree, was also eminent for correcting prison abuses ; and we shall see from the evidence which will be adduced, evidence which will be of “*unimpeachable veracity*,” whether the *Times* are justified in giving

the false colouring which they have done to the system in use in Sir G. O. Paul's time, when "*the cruel experiment of solitary confinement was tried*," and we shall mark Sir G. O. Paul's testimony of this mode of "*inhuman torture*," as detailed before Committees of the House of Commons in 1811, in their "Reports on the Laws relating to Penitentiary Houses," a source of information, we presume, claiming equal reliance with the assertions of the *Times*.

The following question is proposed to Sir G. O. Paul :—

"What do you conceive to have been the moral effects of the Penitentiary System, in the County of Gloucester?"

"Whilst I acknowledge, regarding the whole of the system of imprisonment, that (like other ardent theorists) I imagined more than has been, or than, perhaps, could be brought into practice and effect, I am sure I am justified in saying, that the Penitentiary House has succeeded in its effects beyond the theory imagined by the original projectors of the system ; far, indeed, beyond my most sanguine expectations. A long experience has proved, beyond a possibility of doubt, that a government, by rule, mild, but strictly adhered to, is sufficient to insure safe custody, and to preserve authority, without having recourse to fettering the limbs, or to inflict punishments. No act of violent resistance to the Governor's authority has taken place in the Penitentiary Prison, nor has any attempt to escape been made for the last fifteen years, although there has never been more than one officer appointed (namely, the manufacturer) to look after this prison, with occasional assistance from the Sheriff's Prison, at opening the cells in the morning, and locking up in the evening."

Upon Separation and Classification, it is observed by Sir G. O. Paul — "The confinement in the first class uniformly produced the most promising effects ; the solitude induced the prisoners to pay more attention to their work, and moments of relaxation from labour were willingly devoted to reading and meditation. But on their admission to the second and third classes, in which they were allowed to work in companies, the impressions made on their minds during their former term of seclusion, were immediately

"obliterated by an idle conversation naturally taking place between such associates."

Upon the general effects of the system, and the feelings of prisoners regarding that of separation, the worthy Magistrate says:—"He has had but one unshaken opinion since the opening of the prison. In every point of view, he conceives it to savour *more of indulgence than severity*; and in proof of this assertion, he has the acknowledgment of *the prisoners themselves*, made personally to him, as well as to their friends on their return home; and he has no doubt but such is the prevalent sentiment in the county."

He, Sir G. O. Paul, is further interrogated with regard to its influence:—

"Will you be so good as to state your opinion of the effects of Solitary Confinement?"

"Solitude, with due occupation or employment, and with due attention to its effects, will, I doubt not, act favourably and forcibly on the mind of the most hardened criminal; but without such occupation and such attention, it ought never to be applied."

Upon the physical effects of the mode of discipline condemned by the *Times*, that gentleman is asked:—

"Has any instance occurred where Solitary Confinement in the Penitentiary House at Gloucester, has produced any derangement or unfavourable effect on the mind?"

"MOST CERTAINLY NONE."

Upon the nature and extent of prison punishment we have important evidence of the salutary nature of modified Separate Confinement. What a contrast is here presented to punishments for prison offences in the Metropolitan Prisons, under the Associated System of imprisonment!

Sir G. O. Paul is thus questioned:—"What punishments have you known, in fact, used *within* the Penitentiary House in Gloucester?"

"I have directed the register of punishments to be laid before the committee. In this book will be found an entry of every punishment inflicted since the prison was opened. I believe there have

“been, in the 19 years, two men whipped by order of the magistrates.”

Two prison punishments in nineteen years !

We pass on to an extract or two still further confirmatory of the beneficial influence of the “*cruel experiment of Solitary Confinement*” “*as tried*” at Gloucester Penitentiary, given further in evidence by Sir George Onesiphorus Paul, in 1819, eight years subsequent to the last reference made ; it is propounded to him by the “Select Committee on the State of Gaols :”—

“Have you had an opportunity, during the time you have mentioned, to observe the effect produced by this mode of punishment?”

“Although I have to acknowledge, in common with other theorists, that on the whole design I have imagined more than has been, or perhaps could be, brought into practice and effect ; yet not so with regard to our Penitentiary House ; that prison succeeded in its effects beyond the theory imagined by the original projectors of the system ; far indeed beyond my most sanguine hopes. It is within my own personal knowledge that many returned from this prison to obtain a livelihood by honest industry.”

Upon the general conduct of the prisoners, the examinant replies to the question :—

“Have you observed the effect of this system on the prisoners during the time they are confined ?”

“During the seventeen years that I particularly attended to the effects of this prison, I ever found its inhabitants orderly, obedient to the discipline, and resigned to their situation.”

The opinion of Sir G. O. Paul being required as to the moral influence of the system, and regarding “re-committals,” the committee inquire :—

“Have you observed any change in their moral character ?”

“I have reason to think that their moral character was, in general, greatly improved by the discipline of this prison ; few, if any of them, returned to a second punishment during that period of my attention.”

Such was the effect of the “*cruel experiment*” vituperated by the

Times, administered under the direction of Sir G. O. Paul, "*at whose instance the act for the erection of the Penitentiary at Gloucester was chiefly obtained.*"

We have thus presented attestations which the *Times* have withheld, but which they knew to be in existence, and without reasoning upon inferences as to the nature and value of such proof, or the source from which it has been produced, we leave such evidence to the consideration of the impartial reader.

The *Times* may propose to us this interrogation:—"If the system which Sir G. Paul preferred had been so beneficial in its nature, so deterring in its influence and results, why was not the principle of separation continued in force at the Gloucester County Gaol?"

We at once confidently assert that the system was not discontinued on account either of its mental or physical injurious influence, or its failure, as a mode of penal treatment; and on this question, the answers of Sir G. O. Paul are so clear and distinct, that nothing but a determination for misconstruction can obscure their perspicuity:—"Have you observed any alteration in this system, *since the period to which you have particularly referred?*"

"I have observed a change, which has followed *as a necessary consequence, of numbers increased beyond the accommodation, which is indispensable to reformatory discipline*; in fact, a large proportion of prisoners now confined can not be so kept *as to work alone*. In the seventeen years, beginning from 1793 to the year 1809, there were only five hundred and seventeen prisoners committed to this prison. I observe there have been committed to it one thousand two hundred and forty-seven within the last ten years."

We have made the calculation of 1,247 prisoners at the ratio of proportion for seventeen years to make the estimate consistent with the numbers given, viz., 517 prisoners for seventeen years, say from 1793 to 1809; the former, it will be observed, being under the congregated system from 1809 to 1819. We have no intention to appear to make out a strong case in favour of separation, but only refer to the fact of the large increase of 310 per cent. of committals as indicated under the altered system of association.

Upon this subject the Inspectors of Prisons for the Home District, in their Third Report, emphatically remark :—"That "it is impossible not to be struck with the beneficial effects "which have uniformly attended the Separate System, when fairly "acted upon, and *which ceased only when the over-crowding of* "the prisons rendered the execution of the plan impossible."

"We find that under the operation of the Separate System in these "prisons (Horsham, Petworth, and Gloucester), committals to them "became *unprecedentedly few* ; and that *re-committals almost dis-* "appeared."

"We find the health of the convicts excellent ; their mental "faculties unimpaired ; their labour cheerful and constant ; their "behaviour orderly and submissive ; and their religious instruction "carefully attended to, and with the happiest results."

"When the system was broken in upon and suspended by the in- "fluence of numbers, for whom it was impossible to provide separate "apartments, the reverse of all this took place. Order was suc- "ceeded by insubordination ; labour, instead of becoming voluntary, "became distasteful and constrained ; and religious instruction, with "all its desirable consequences, was either neglected or became in- "efficacious."

As we proceed with this subject, we must entreat indulgence for apparent prolixity, but we think the reader, without any extraordinary stretch of comprehension, will see how far the *Times* are justified in making the references they have done with their accusatory epithets, as alluding to the system of discipline in operation in Sir G. O. Paul's time.

According to the views of the *Times*, the philosophic Paley, the lamented Romilly, and the philanthropic Wilberforce, would be considered as mere moral empirics in penological science, advocating, as they have done, the very principles for which we contend.*

* It is not intended in these pages to present a systematic defence of the discipline of individual imprisonment, by bringing to bear all the

What say these justly-esteemed men? In 1785, we find the Rev. Archdeacon Paley, upon this subject, in advance with the spirit of the age, (the following sentiments having been enunciated by that divine eight years anterior to the introduction of the "*cruel experiment*" at Gloucester, by Sir G. O. Paul), thus expressing himself:—

"Of the *reforming* punishments which have not yet been tried, none promises so much success as that of solitary imprisonment, or the confinement of criminals in separate apartments. This improvement augments the terror of the punishment; secludes the criminal from the society of his fellow-prisoners, in which society the worse are sure to corrupt the better, weans him from the knowledge of his companions, and from the love of that turbulent and precarious life in which his vices had engaged him; is calculated to raise up in him reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence, as may produce a lasting alteration in the principles of his conduct. As aversion to labour is the cause from which half of the vices of low life deduce their origin and continuance, punishments ought to be contrived with a view to the conquering of this disposition. Two opposite expedients have been recommended for this purpose; the one, solitary confinement with hard labour, the other, solitary confinement with nothing to do. Both expedients seek the same end,—to reconcile the idle to a life of industry. The former hopes to effect this by making labour habitual; the latter, by making idleness insupportable; and the preference of one method to the other depends upon the question,

various arguments and authorities which have been adduced in its favour, but we may, without fear of contradiction, declare that the *principle* of separation as a mode of penal action has been maintained and defended by the ablest and most distinguished jurists who have thought and written upon penological science, and we could, without difficulty, extend our quotations from their writings to a length that would be quite unjustifiable on the present occasion.

“whether a man is likely to betake himself, of his own accord, to work, who has been accustomed to employment, or who has been distressed by the want of it. When gaols are first provided for the *separate* confinement of prisoners, which both proposals require, the choice may soon be determined by experience.”*

In 1810, Sir Samuel Romilly brought forward a motion that the Act of the 19th Geo. III. cap. 74, should be resorted to, separation being its primary object. “A plan,” observed that statesman, “which was formed by some of the wisest men of this country, and who have devoted much of their valuable time to this important object, by Mr. Justice Blackstone, Mr. Howard, and Mr. Eden (afterwards Lord Auckland). The great objects which they proposed to themselves, were to reform the criminals,—to seclude them from their former associates,—to separate those of whom hopes might be entertained from those who were desperate,—TO TEACH THEM USEFUL TRADES—TO ACCUSTOM THEM TO HABITS OF INDUSTRY,—AND TO GIVE THEM RELIGIOUS INSTRUCTION.† That plan, however, has remained on the statute book for a period of thirty years, without any effectual step having been taken to carry it into execution.”

Mr. Wilberforce in the same debate in parliament said, “The cardinal excellence of this system (separation), is to restore to society the unhappy wretch whose vices have brought him to premature disgrace. This great end is to be obtained while confined in the penitentiary house ; religious instruction and moral precepts are to be applied to restore his mind to a sense of shame and repentance for his past conduct. While in this state of progressive reformation he is taught useful employment, so that when he is again restored to society, he may not relapse into his former vices for the want of means by which he can earn an honest livelihood :

* “Moral and Political Philosophy, Crimes and Punishments.”

† This is an epitome of the discipline of the Model Prison at Pentonville at the present time, and which is now only adopted about sixty-five years after the passing of the act referred to.

"for during his continuance in this asylum he is kept apart from the contamination of a society worse than himself."

This is the "*inhuman torture*"-inflicting system advocated and proposed for adoption by the excellent men to whom we have referred.

Would the sentiments contained in the quotations we have given been discreditable even to the columns of the *Times*?

We envy not the mind or the feelings of the writer who can permit himself to falsify a high moral principle, as the *Times* have done, in the manner by which they have attempted to direct public attention down the current of their own specious fallacies upon the great—the national question of the treatment of the offending part of our community.

We have intentionally refrained from adverting to the notice which the *Times* have taken in three or four of their leading articles, of the alleged *past* and *present* opinions of benevolent individuals, who have been feelingly alive to the treatment of criminals. It is not a matter of material moment to our argument, what may have been the opinion of this or that distinguished friend of humanity, at any given period, mentioned by the *Times*, nor what might have been the views and operations of this or that Government at any definite time.

It will, we think, be admitted that mere opinion should yield to *fact*, and mere argument give place to *experience*. There is, however, a notable instance in which the *Times* have signified their displeasure of a noble Peer, who presumed to offer some remarks which appeared to come home closely to their sensitiveness, and which provoked an attack upon Lord Radnor.*

We find, at the Berkshire Epiphany Sessions, objections were made to the Separate System of imprisonment for its asserted injurious effects, when his Lordship is stated to have spoken as follows:—"In allusion to the alleged cases of insanity caused by the adoption of the new system which has been referred to by Mr. Duffield, they were probably *only Newspaper misrepresentations*, which he knew, and

* Vide *Times*, January 11th, 1844.

"Mr. Wroughton also knew, in other matters, *were sometimes published by papers which took a leading view of subjects, and occasioned unfounded alarm in the public mind.*"

It is not our intention to become either the advocates or the apologists of expressions used by Lord Radnor; we state them merely as being introductory to the observations of the *Times* in one of their leading notices, which these sentiments excited, and to show the further means employed by them to unsettle the public mind. After giving a quotation from the examination before the Lords' Committee, in 1835, to exhibit the assumed injurious effects of *solitary* confinement, and which alleged "*facts,*" the *Times* leave "*to speak for themselves,*" they "*would abstain,*" if they could, "*from all comment*" upon the speech, which the *Berkshire Chronicle* attributed to the Earl of Radnor, we desire that the following may be especially noted:—"His Lordship," remark the *Times*, "*when he made that speech, had not read the letter of Sir Peter Laurie to the Rev. Mr. Roberts, of Leicestershire, or he must have known that 'the alleged cases of insanity, caused by the adoption of the 'new system,' were, unfortunately, but too true, that they were not 'misrepresentations published by the Newspapers to occasion 'unfounded alarm.'*"

What would be the natural impression upon the mind of the reader after perusing this paragraph? Would it not be this—that Sir Peter Laurie had made a communication to the Rev. Mr. Roberts containing important and incontrovertible evidence regarding the injurious effects of Solitary Confinement, and that the letter was published in such a form that Lord Radnor might have had an opportunity of perusing the document, of examining the evidence adduced, and forming his own conclusions, and which evidence might have had considerable influence on his judgment upon the question, and that not having "*read the letter of Sir Peter Laurie to the Rev. Mr. Roberts,*" he had displayed an unbecoming ignorance in the remarks which he was pleased to offer with regard to the "*misrepresentations published by the Newspapers to occasion 'unfounded alarm?'*"

We at once most broadly affirm—and we speak advisedly—that Lord Radnor *had no means of reading Sir Peter Laurie's letter*; that the *Times*, when it deliberately put pen to paper, *knew* (or ought to have known) that it was a letter more of a private than a public nature, to the Rev. Gentleman, and has never been printed *either by the London or Provincial Press*; and yet the *Times* unhesitatingly trifle with the attention, and impose upon the credulity of their readers, by writing, "*or he* (Lord Radnor) *must have known,*" &c.

We offer no remark as to the manner in which the *Times* became acquainted with the contents of "*Sir Peter Laurie's letter to the Rev. Mr. Roberts*;" we only, for ourselves, observe, that on reading the announcement of the *Times*, we spared no effort to examine Newspaper files to ascertain what Sir Peter Laurie did say, that we might test his "*cases*;" but our researches terminated in disappointment. We have, we think, undoubted evidence to prove that Sir Peter Laurie's letter *has never appeared in print*, because in a note to us from Sir Peter Laurie, that gentleman states—"that his letter to Mr. Roberts was not published in the *Times*, nor has he ever seen it in print."

In a note, also, from the Rev. James Roberts, he informs us—"the letter that Sir Peter Laurie wrote to me, has not been published in any Newspaper;" it being further stated by the Rev. Gentleman,—"*Sir Peter Laurie was so good as to allow me to refer to some information as to the number of persons that had been sent to the Bethlehem Hospital, from the Penitentiary at Millbank.*"

What opportunity, therefore, had Lord Radnor of being acquainted with the "*letter*" of which the *Times* speak?

We pass over the description of the astonishment of the *Times*, on finding Lord Folkstone, of 1817 or 1818, appearing at variance with the Earl Radnor of 1844; (the infallibility of the *Times* may become a national proverb,) and repeat our inquiry, what dependence can be placed upon the "*veracity*" of that Journal concerning this question?

It would quite exceed the bounds of propriety, were we to continue our examination of *all* the fallacies of the *Times* upon the subject of Prison Discipline; we have endeavoured to notice the more prominent, and close our remarks upon this part of the discussion, by observing upon one of the main objections of that Journal to the Separate System.

Special exception is taken by the *Times* against individual imprisonment upon the ground of loneliness: they remark, "*that man is not a solitary, but gregarious animal.*"* We enlist to our aid on this topic the well-known and estimable Dr. Julius, who in his German work entitled "North America: its Moral Condition, from Personal Observation in the Years 1834, 1835, and 1836," published at Leipsic, 1839, thus pertinently reasons on the subject of loneliness *penally* considered:—"One objection to the separate cell system is, 'that it deprives man of social intercourse with his fellow creatures, and is therefore unnatural and unphilosophical.' But in what does social intercourse consist? Is it in beholding other men's countenances?† This intercourse is not denied to the prisoner even in his separate cell, and is it not far more advantageous to him to behold the cheerful countenances of a limited number of honest men, than the dark and daring looks of persons excited by the worst passions, and actuated by the worst vices? Or can any social intercourse exist

* Vide *Times*, November 25th, 1843.

† "Mark Winslow, a criminal well known in Massachusetts, (United States), fixed his eye on a fine looking young man in prison with him at Charlestown (Massachusetts). After their release they met in the street; Winslow immediately made arrangements with him to take a quantity of counterfeit money and sell it, dividing the profits. Winslow supposed the young man would be a safe accomplice, because his infamy destroyed his competency to be a witness. Winslow was arrested; the young man became a witness for government, his incompetency being removed by a pardon. Winslow was convicted, and afterwards committed suicide in prison. This is an illustration of one of the evils of social, though silent imprisonment." Could such a confederation have been formed under the Separate System?

"amongst those who, though always together, are nevertheless obliged to observe an irksome or tantalizing silence, the transgression of which is immediately punished with the lash."

"Easily may the Monk of La Trappé, or the Carthusian, actuated by religious zeal, and under the most solemn vows, observe a rigid silence, though always with his brother monks; but it is far different with the criminal who is *penally* subjected to it, and who is watching every moment for an opportunity of evading the edict."

"But if it be true that solitary confinement has a tendency to make men of an ascetic disposition, the Auburn (or Silent) System is no less objectionable, which imposes a mental solitariness. Should any one call the salutary discipline of Philadelphia, which teaches the proper use of the intellectual faculties, and which may be analogous to the setting of a dislocated limb, unnatural and unphilosophical, be it so. It is better that the body suffer for a short time, than that the soul should be lost for ever; and, though man was unquestionably born for society, yet he becomes unworthy of it so soon as he ceases to regard its laws. The customs of that society for which man was born, are necessarily different from those which predominate in a prison; nor can better company be procured for the criminal than that of a few select individuals who visit him in his cell, and a more numerous society he has not deserved."

Surely Dr. Julius, distinguished as he is by philanthropic feelings, will not be charged with inhumanity for entertaining and expressing such views.

Professor Lieber, the interesting writer on penology, observes also upon loneliness:—"Under this head several charges are made, and some which it is very painful to answer, for *they are so very puerile* in their character, that a man who sees the grave importance of the subject, *feels humbled* while he answers them; yet if they are not answered, he who had the boldness first to start them feels strengthened by repetition, and after long repetition people are found who will believe them,—a circumstance *which is far more dangerous* in penologic matters than in others."

“If ever there was a subject on which it is easier to say plausible
 “yet radically wrong things, nay, to start and insist upon dicta
 “which have an insinuating appearance for the multitude, and yet
 “are recognised at once by the penologist as sheer nonsense, that
 “subject is penology, for the simple reason that the public at large,
 “happily, are, and must be as long as there are far more honest men
 “than rogues, utterly unacquainted with the peculiar compound of
 “which the character of a criminal consists.”

We were surprised with the appositeness of these remarks to the manner in which the *Times* have conducted their arguments, and have made their statements (garbled, mutilated, and perverted, as we think we have shown them to be,) upon Prison Discipline.

Have not the *Times* “crowed like chanticleer,” that their repeated, and long repeated sophisms have gained such ready belief by an unsuspecting public? Have they not felt “strengthened” and emboldened, because their illusions have not been exposed? Have they not found it more agreeable to their own views, “easier to say plausible, yet radically wrong things, nay, to start and insist upon dicta, which have an insinuating appearance for the multitude?” And have they not thus attempted, by the “repetition” of previous and trite figments, by an uncandid commixture of systems, to mystify their true definitions, and deceive their readers? We unreservedly say, they have done this, whilst, by “the penologist,” such acts “are recognised at once,” not only as “sheer nonsense,” but as a culpable disregard to truth, and yet they exultingly remark, concerning “the large philosophical views, and the generous and whole-some designs of its founders,” that is, of the Pentonville Prison, and its Separate System:—“They have been singing pœans for triumphs which they have not achieved, and have been gladdening their sight with visions of victory over the main body of our arguments, when they have not even surprised one of our outposts, nor, to continue in the phraseology of Junius, cut off one of our detached propositions.”*

* Vide *Times*, December 26th, 1843.

We are concerned that the *Times* have been permitted, for so lengthened a period, unnoticed, to occupy their boasted vantage ground, and that some master-hand has not shivered to atoms the fabric of their automata upon this subject.

It is an unquestionable fact, that both the "Fallacies of the *Times*," and the fictions of Mr. Dickens, have had, and are now having, a most prejudicial influence, not only on the public mind at home, but also on that of the Continent of Europe. In some of the French Reviews, the unjustifiable curtailments of the *Times* are repeated, their favourite authority, Mr. Coleman, is quoted, the allegations of the Boston Society are re-echoed, and even the flimsy hallucinations of Mr. Dickens are referred to as weighty evidence ! Some of these points will be hereafter noticed.

Whether any of the "*outposts*" of the *Times* have been "*surprised*," or any of their "*detached propositions*" "*cut off*," and whether, impenetrable as they may consider their phalanx to have been, it has not been broken through, and "*the main body of their arguments*" prostrated, will be determined by our readers.

From the part which the *Times* have taken, we consider that they have placed themselves entirely beyond the page of record as authorities ; as utterly unworthy of public confidence in the matter ; and until they undo, by honest candour and straightforwardness, what they have done by disingenuousness and obliquity, let their lips, upon this subject, be for ever sealed, and their pen for ever dry !

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